

IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

GAIL HARNESS,

Plaintiff,

vs.

Case No. 3:18-CV-00100

Case No. 3:19-CV-340

Jury Demand

WILLIAM T. JONES, individually
and in his official capacity;
and ANDERSON COUNTY, TENNESSEE,

Defendants.

JURY TRIAL

Amended Volume I

BE IT REMEMBERED that the above-captioned
cause came on for hearing, on this, the 21st day of
June 2021, before the Honorable Senior Judge Curtis
L. Collier, when and where the following proceedings
were had, to wit:

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* * *

(WHEREUPON, Voir Dire was completed and not requested to be transcribed, after which the following proceedings were had:)

THE COURT: Okay. As I call your name, please go with our courtroom deputy that you will see there at the back of the courtroom.

Mr. Price, Christopher Price; Mr. Moody, Frederick Moody; Ms. Francisco; Mr. Rouse; Mr. Fontana; Ms. Whiteley; Ms. Hornbuckle; and Mr. Jones.

Mr. Oscar, would you take Seat Number 1. And Mr. Lawson, would you take Seat Number 2. Mr. Short, Seat Number 3; Ms. Morrison, Seat Number 4; Ms. Horton, Seat Number 5; Ms. Keyser, Seat Number 6; and Ms. Richardson, Seat number 7.

Counsel, this is your jury. Are there any objections?

MR. STANLEY: No, Your Honor.

MR. KNIGHT: No, Your Honor.

MS. BURCHETTE: No, Your Honor.

THE COURT: Ms. Lewis, please swear our jury.

(WHEREUPON, a jury was impaneled and sworn, after which the following proceedings were

1 had:)

2 THE COURT: Ladies and gentlemen, now
3 that you have been sworn I will give you some
4 preliminary instructions to guide you in your
5 participation in this trial.

6 It will be your duty to find from the
7 evidence what the facts are. You, and you alone,
8 are the judges of the facts. You will then have to
9 apply to those facts; the law that I will give you.
10 You must follow that law whether you agree with it
11 or not. Nothing that I can say or do during the
12 course of this trial is meant to indicate, nor
13 should be taken by you as indicating what your
14 verdict shall be.

15 The evidence in which you will find the
16 facts will consist of the testimony of the
17 witnesses; documents and other things received into
18 the record as exhibits; and facts. The lawyers may
19 agree or stipulate to, or the Court may instruct you
20 to find certain things about evidence and it must
21 not be considered by you. Among these things are:
22 Statements; arguments; and questions by the lawyers.
23 These are not evidence.

24 Objections to questions are not
25 evidence. The lawyers have an obligation to their

1 client to make an objection when they believe
2 evidence is being offered as improper under the
3 rules of evidence. You should not be influenced by
4 an objection or by the Court's ruling on it. If an
5 objection is sustained, then just ignore the
6 question. If an objection's overruled, then
7 truthfully answer it, just as you would treat any
8 other answer.

9 If you are instructed that some item of
10 evidence is received in Limine purposes only, you
11 must follow that instruction. The testimony the
12 Court may exclude or may tell you to disregard is
13 not evidence and must not be considered. Anything
14 you may have seen or heard outside of the courtroom
15 is not evidence and must be disregarded.

16 You are to decide this case solely on
17 the evidence presented here in the courtroom. There
18 are two kinds of evidence: Direct evidence and
19 circumstantial evidence.

20 Direct evidence is direct proof of a
21 fact, such as the testimony of an eye witness.

22 Circumstantial evidence is proof of fact
23 from which you may conclude that other facts exist.

24 The law makes no distinction between
25 direct and circumstantial evidence, and it is proper

1 for you to consider both kinds of evidence.

2 A very important part of your job as
3 jurors is to decide which witnesses to believe,
4 which witnesses not to believe, or how much of any
5 witness' testimony to accept or to reject. I will
6 give you some guidelines to assist you in
7 determining the believability or credibility of the
8 witnesses that have entered the case.

9 As you know, this is a civil case. The
10 plaintiff has the burden of proving her case by what
11 we call the preponderance of the evidence. That
12 means the plaintiff has to produce evidence which is
13 considered in light of all the facts that lead you
14 to believe that what plaintiff claims, is more
15 likely true than not.

16 To put it somewhat differently, if you
17 were to put plaintiff's and defendant's evidence on
18 opposite sides of the scale, then the plaintiff
19 would have to make the scale tip somewhat in her
20 favor.

21 If the scale tips in favor of the
22 defendant, that means the plaintiff has not carried
23 the burden of proof and she's not succeeded.

24 Likewise, if the scale remains equally
25 balanced, that is, it is not tipped to either side.

1 That also means that plaintiff has not carried her
2 burden and she will not prevail.

3 Those of you who may have sat on a
4 criminal case or watched criminal cases on
5 television, or have heard of proof beyond a
6 reasonable doubt, that requirement does not apply in
7 this case and you should therefore put it completely
8 out of your minds.

9 I will give you detailed instructions at
10 the end of the case and those instructions will
11 control your deliberation and decision. But at this
12 point, to help you follow the evidence, I'll give
13 you a brief outline of the issues in this case.

14 The plaintiff, Gail Harness, was an
15 employee of Anderson County, Tennessee. She worked
16 in the office of the Clerk of the Circuit Court.
17 She alleges that the then, Clerk of Court, William
18 Jones, subjected her to sexual harassment and
19 created a hostile work environment. She claims that
20 Anderson County is legally liable to her for a
21 hostile work environment, in violation of rights
22 under the federal constitution and state law.

23 She is also alleging that Anderson
24 County is liable to her for terminating her
25 employment, in retaliation for complaining about the

1 sexual harassment. There are certain elements that
2 she must prove to satisfy her claim of hostile work
3 environment, in violation of federal law.

4 The burden is on her to prove by a
5 preponderance of evidence, each of the following
6 elements: (1) She was subjected to sexual
7 harassment that is unwelcomed harassment; (2) The
8 harassment was based on her gender; (3) The
9 harassment was sufficiently severe or pervasive to
10 all of the conditions of employment and create an
11 abusive working environment and; Anderson County
12 knew or should have known about the harassment and
13 failed to act.

14 To prove her claim of a retaliatory
15 discharge, she must prove by a preponderance of the
16 evidence, the following elements: (1) She engaged
17 in protective speech or activity; (2) Anderson
18 County knew she was engaging in that protected
19 activity; (3) The defendant took a material adverse
20 action against her; and (4) There was a causal
21 connection between the protected activity and the
22 materially adverse action.

23 Ms. Harness makes her claims on both
24 federal and state law. To prove the defendant
25 liable under federal law, she has to prove either or

1 both of two things: She must prove either the
2 decision to violate her rights were made by someone
3 with final decision-making authority for the
4 defendant in that area, or that defendant has a
5 custom of tolerance or acquiescence of the violation
6 of federal rights, which had a direct causal link to
7 the violation of her rights.

8 Now, let me say a few words about your
9 conduct as jurors in this case. I instruct you
10 first that during this trial, you must not discuss
11 this case with anyone or permit anyone to discuss it
12 with you. This includes members of your own
13 families. Until you retire to the jury room at the
14 end of the case to deliberate on your verdict, you
15 simply must not talk about this case at all. If
16 anyone should try to talk to you about this case,
17 please bring it to Ms. Lewis' attention promptly and
18 she will notify me.

19 Next, do not read or listen to anything
20 on the radio, or television, or the Internet, or in
21 newspapers, touched on this case in any way, the
22 rate of availability of the Internet while at home
23 and work computers, as well as on your cellphones
24 and other communication devices. Let me also advise
25 you not to use the Internet or any communication

1 device to research anything at all that might
2 pertain to this case. Just as an example, do not do
3 research on legal definitions, factual matters,
4 information about the lawyers, any legal issues, or
5 anything else that might touch upon this case.

6 Your decision in this case has to be
7 based only on the evidence you heard here in court.
8 The evidence you hear in court is based upon sound,
9 legal standards, as known to the parties and is able
10 to be tested by the two parties. So, do not try to
11 do any research or make any investigation about the
12 case on your own.

13 Fourth, do not use e-mails, a blog, or
14 any type of social media, such as Twitter or
15 Facebook to communicate with anyone about the trial
16 or this case.

17 Additionally, I remind you that
18 electronic devices are prohibited in the courtroom.
19 This includes cellphones, laptops, tablets, for any
20 reason.

21 Finally, do not form any opinion until
22 all the evidence is in. Keep an open mind until you
23 start your deliberations at the end of the case.

24 If at anytime during the trial you have
25 personal needs that must be taken care of, just

1 raise your hand or notify me or Ms. Lewis. Your
2 comfort is important to us and we want to
3 accommodate you in any way that we can.

4 We are asking all participants in this
5 trial to take certain precautions based upon the
6 COVID pandemic. This is for the safety of all of
7 you members of the jury, the parties, the attorneys,
8 and court personnel.

9 If there are questions or concerns about
10 these precautions, please bring them to the
11 attention of Ms. Lewis.

12 The trial is now about to begin. First,
13 each side may make an opening statement. An opening
14 statement is neither evidence or argument. It is an
15 outline of what that party intends to prove with all
16 the evidence.

17 After the opening statements, plaintiff
18 will present her witnesses, and the defendant may
19 cross-examine them. Then, defendant will present
20 its witnesses, and the plaintiff may cross-examine
21 them.

22 After all the evidence is in, the
23 attorneys will present their closing arguments,
24 summarize, and interpret the evidence for you. And
25 the Court will instruct you on the law. After that,

1 the case will be in your hands and you will retire
2 to deliberate on your verdict.

3 Is the plaintiff ready for their opening
4 statement?

5 MR. STANLEY: Yes, Your Honor.

6 THE COURT: You may proceed.

7 MR. STANLEY: Give us just a minute. I
8 think we're setting up the presentation.

9 MR. COLLINS: We should be plugged into
10 the HDMI.

11 THE CLERK: Are you on --

12 MR. COLLINS: No, this is -- that might
13 be the wrong HDMI cable.

14 THE CLERK: Yeah, I'm trying to figure
15 out where you're going to be.

16 MR. COLLINS: I'll be up here.

17 THE CLERK: Okay. Now, you're going to
18 be there. I didn't know ...

19 There we go.

20 MR. STANLEY: Thank you, Your Honor.

21 May it please the Court, my name is Dan
22 Stanley. Again, I'm going to give you just a short
23 opening to what we believe the proof is going to be
24 in this case.

25 The Court has already done a great job

1 of providing you with what the law is, that this is
2 a sexual harassment case in violation under the 14th
3 Amendment, and, also under the Tennessee Human
4 Rights Act. And he's going to provide you with that
5 law when the trial is over. And so, whatever he
6 provides you, lean on that and not what I tell in
7 the opening.

8 But a good way to look at it is just to
9 look at what's in Anderson County's own policy and
10 procedures book. It gives us a little bit of a
11 summary of what sexual harassment is: Unwelcomed
12 sexual advances; request for sexual favors and other
13 verbal or physical conduct of a sexual nature;
14 creating an intimidating, hostile, or offensive
15 working environment. And, of course, this includes
16 everybody in the county, including elected
17 officials. Nobody is above the law.

18 Unfortunately, this man did not
19 understand the policy. This is William Jones.
20 William Jones was elected as the clerk of the
21 Anderson County Courthouse in 2014. During that
22 time, he would call the clerks demeaning names like
23 "Daddy's Prissy Bitch".

24 THE COURT: Counsel, let's leave out
25 profanities, if you can. You can use the initial --

1 MR. STANLEY: I'll do that, Your Honor.

2 THE COURT: -- the first initial. But
3 this is a court of law. And there's certain
4 standards that we try to adhere to and we try to not
5 use gutter language.

6 MR. STANLEY: Absolutely. Sorry, Your
7 Honor.

8 He would touch the clerks
9 inappropriately, come behind them, grab their waist
10 and other sexual touchings. He would request sexual
11 favors from them. And he would punish people who
12 would not give into his advances. For instance, he
13 would reassign you and fire you. And he wouldn't go
14 through human resources, he would just do it
15 himself, on a whim. He kept everybody, basically,
16 on an edge.

17 He stalked clerks outside of work, made
18 prank phone calls, and sent lewd and unwelcomed
19 texts. I'm not even going to read this out loud.
20 You can read it for yourself. But this is an
21 example of one of those texts that he sent to Gail
22 Harness.

23 And you'll hear from some people within
24 Anderson County describe him as a sick man who
25 should be in jail for what he's done. You'll hear

1 from Russell Bearden. He was the human resources
2 manager and he's coming tomorrow to testify.

3 Now, you would think somebody would be
4 fired or ousted immediately upon learning this,
5 right? Unfortunately, that wasn't the case. He was
6 elected in 2014. He immediately starts to victimize
7 the women at the courthouse, starting with Nicole
8 Lucas. She was reassigned for her protection. They
9 didn't investigate William Jones. They didn't find
10 out who else he was preying upon. They just solved
11 the problem by getting rid of the one he was
12 victimizing, and allowed him just to continue to
13 prey other women.

14 You'll hear from Tracy Spitzer. She's
15 sitting outside right now. She'll be our first
16 witness -- that he would sit on the desk, say sexual
17 things to women, fire people on a whim. He was just
18 a cruel boss that constantly was asking for favors,
19 and punishing people who did not go along with it.

20 You'll hear from Kaylee Winstead. She's
21 here as well, to testify. We couldn't get everybody
22 here because some were too scared to come, and some
23 have moved out of state. The ones that we could,
24 are here. She'll say that the way he abused and
25 treated her, she lost weight, got fired. That led

1 to a domino effect and she couldn't pay her bills,
2 lost her home, lost her marriage.

3 2015, another victim; Angela Brown. It
4 was so bad that she decided to quit. He would make
5 her sit in his office and he would go over and make
6 sexual innuendos (that he likes to watch women eat
7 yogurt).

8 In fact, you'll hear from Russell Brown
9 [sic]. When he approached Mr. Jones about this,
10 "Mr. Jones looked at me and laughed." Again, this
11 is Russell Bearden. You'll hear from him tomorrow.
12 He's the human resource manager. He made a
13 statement: "The beauty is that I don't have to
14 report to anyone. I don't have a boss. I could sit
15 in my office completely naked with the door open and
16 touch himself [sic] and there's nothing you can do
17 about it." That is a sick man. That's a man that
18 shouldn't be there.

19 And, of course, Russell Brown [sic] was
20 shocked and he thought that the best thing to do
21 would be to go to the CEO of the county. The CEO is
22 the Mayor. This is the Mayor behind me; this is
23 Terry Frank. And so, he took this directly to the
24 Mayor and said, "We've got to do something about
25 this man." Nothing was done and there was no

1 investigation.

2 Victim 6: Valerie walker.

3 Now we're in 2016. Victim 7: Amy Ogle.
4 She's outside. She's going to testify and you'll
5 hear from her today. Some were -- sorry, that's
6 supposed to be Victim 8.

7 Some of these women were so scared they
8 didn't want to give their names because they knew
9 that they would be fired.

10 And then you have victim -- the last
11 victim, which is Gail Harness. When she came to
12 work there she didn't know anything about this
13 history. She didn't know about Nicole Lucas, Angela
14 Brown, or the predator that he was, because nothing
15 had been done about it.

16 Now, when you think about this case, in
17 sexual harassment, typically, you think someone gets
18 fired or the job is lost because they don't do what
19 you say. And that happened in this case. She
20 eventually was fired. But it's also true that if
21 you submit or succumb to it because you're afraid
22 you'll lose your job, that's a form of sexual
23 harassment too.

24 And I won't read all of this, but this
25 is part of a text or Snapchat that Ms. Harness had

1 with William Jones. And she's just trying to worry
2 about her -- the way she's paid and the hours,
3 because she has a sick child that she's trying to
4 take care of and she doesn't want to mess anything
5 up. And she's having this conversation with
6 Mr. Jones. And in here, she even says, "I depend on
7 this job, so I'm worried. I don't want to lose it,
8 however, at the same time, I have to get Mortisca
9 (phonetic) taken care of." That's her sick child.

10 This says, "Me." That's William Jones.
11 You see where it says, "That's not a problem."

12 Well, this is the next text after that,
13 about, "A single kind word or a photo of her chest,
14 can make somebody's day."

15 He knew when people were weak, he knew
16 when they were vulnerable, and he preyed upon them,
17 including Ms. Harness.

18 He continued harassing her and
19 pressuring her. And in fear for her job, she did
20 submit to one request. And she did show him her
21 breast one time. And afterwards, she was promoted
22 full time. And then she began to reject Jones'
23 requests, the evidence will show. And then he would
24 retaliate petty reprimands. And eventually she was
25 fired from the clerk's office.

1 In fact, even though this got started in
2 2014, let's fast-forward to 2018. Once it became so
3 obvious that he was a predator, the county did not
4 embarrass themselves, and did a resolution. The
5 truth. That's nothing. What they should have done
6 was an ouster suit to get him out.

7 But even in their own resolution, they
8 go through all the things that they found out over
9 the four years that they should have found out in
10 2014, 2015, 2016, 2017, and had a combined
11 cumulative effect to create a hostile work
12 environment for county employees. By their own
13 admission, they admit they created a hostile work
14 environment.

15 These allegations make -- constituted
16 unlawful implemented practices made. I'm pretty
17 sure it did. And that's what the proof will show.

18 As the Court stated in that brief
19 introductory about the law, it's a civil case, so we
20 start out with the scales being equal. We put on
21 our proof, they put on their proof. And if at the
22 end just one feather lands in our favor and it's
23 just 51 percent, the law says you must find for the
24 plaintiff, wholly liable.

25 That's not just true on the fault,

1 that's also true on the damages. If you find that
2 she's suffered these damages more likely than not,
3 you must compensate her for each one. And this is
4 the law of damages. And I want to talk about what
5 she's gone through now.

6 When you think about this, these are
7 each separate claims. The Court will instruct you
8 at the end that they're all not just one big claim,
9 they're all separate. And these are the different
10 ones: Mental pain and suffering; embarrassment;
11 loss of reputation; loss of enjoyment of life; and
12 permanent injury.

13 You're going to hear from a Ms. Surdock
14 who will come and testify and explain what
15 post-traumatic stress syndrome is, and that if
16 you're a survivor of sexual harassment it definitely
17 can cause post-traumatic stress disorder, and how
18 that's affected Ms. Harness throughout her life
19 since then. And that will create the avoidance
20 issues and even panic-related responses. And she's
21 even had situations where she's seen William Jones
22 out or had a supporter say something, to the point
23 where she's passed out because she's so
24 panic-stricken, or she has nightmares or depression.
25 Anderson County is a small town, you know.

1 Embarrassment and humiliation: She has
2 three daughters. She'll go to school and her
3 daughters will say, "They say we're the same kind of
4 person as you." I won't say the words they say, but
5 it's not a pleasant word to have your daughter tell
6 you, coming back from school. There's blogs and
7 radio shows. What do they do, they blame the
8 victim. She's received Facebook comments sent to
9 her, basically telling her that she's horrible. I
10 mean, she's had supporters of Jones throwing items
11 in her yard.

12 Loss of reputation: Before this, she
13 had a Bachelor's degree. She was working with
14 children in a daycare. In fact, that's how she got
15 the job. You'll hear from Tracy Spitzer, her kids
16 went there. She enjoyed Gail so much -- Gail
17 Harness, then she said, "Hey, you should come work
18 at the clerk's office." And she enjoyed her work,
19 because it was at juvenile -- it was working with
20 kids. Of course, she was married and had three
21 daughters. She was the one brave enough to actually
22 come out. And now her reputation has just been drug
23 through the mud, because, again, when people get a
24 story like this, it's posted to the local paper.
25 Everybody has their opinions. And so, now, her

1 reputation is ruined. And because of that -- this
2 is a separate claim.

3 She's had a loss of enjoyment of life.
4 Because of avoidance issues, she will go different
5 routes to places. She's been accosted by Jones and
6 his supporters in public places.

7 She's even had to have the police come
8 to her vehicle. One of the human resource
9 directors' name is Kim Whitaker -- more than once
10 would say, "We're going to send a police officer to
11 your home to make sure you're okay." So this isn't
12 something to play around with. This is serious,
13 when you're bringing the police on.

14 And, of course, you'll hear from Dr. Surdock
15 that this is a permanent injury. There is no
16 treatment for post-traumatic -- there is no cure
17 for post-traumatic stress disorder. There is
18 treatment that will go on throughout your life.
19 And based upon this life table, she will live 54.9
20 years and 20,039 days. And we've broken down the
21 damages for pain and suffering, it's \$75 a day, at
22 \$1.5 million; the embarrassment, at \$75 a day; the
23 loss of reputation, to lose your reputation, is at
24 \$75 a day; and loss and enjoyment of life, to have
25 to change your life because of what the county did

1 or what this man did, \$75 a day; and, of course,
2 the permanency of the injury. And at the end of
3 this case, we're going to ask for \$7.5 million to
4 compensate her. And the county needs to pay that.
5 And I'll tell you what the county needs to pay.

6 Let me show you "Anonymous". "Anonymous"
7 said, "Clerk William Jones has sexually harassed
8 employees in using intimidating-to-bullying
9 comments to ensure that fear is put into someone --
10 some of his employees, so that we will not come
11 forward with the things he says or does to us.
12 When he does not get his way, he feels that we are
13 a risk and he transfers us to other courts, to
14 bring fear to us.

15 Many employees have received vulgar, sexual
16 texts; phone calls; sexual Snapchats; had to endure
17 him putting his hands on us; making comments about
18 how we look; and making many of them feel so
19 uncomfortable. He has bragged numerous times,
20 "There's nothing that can be done."

21 "Help protect us, the employees."

22 The last thing says, "Please do something to
23 protect us."

24 Well, the person that was supposed to
25 protect them was the Mayor. 2014, she knew about

1 Nicole Lucas; 2015, she knew about Angela Brown;
2 2016, she knew about Gail Harness, her husband
3 called and complained about William Jones; 2017,
4 she knew about the Ogle statement; she knew about
5 the Winstead statement; the Spitzer statement.
6 That's how many days from the first time she had
7 notice, that Jones was a predator, until they
8 finally censure him four years later. As a result,
9 these women were victimized and have suffered
10 lifelong trauma.

11 This is a current picture of the republican
12 party in Anderson County. William Jones is still
13 part of that party. This is William Jones and
14 that's the Mayor. Even after all of these women
15 that she knew about, after September 14, a few
16 months later, the Mayor signs an election support
17 form for him, that he should be reelected, and even
18 donates to his campaign.

19 They're looking for somebody to protect
20 them. And at the end of this case, I think you're
21 going to learn that people in Anderson County
22 failed them. The County Commission failed them.
23 The Mayor failed them. And we're going to ask you
24 to be the ones to protect them, because he's going
25 to run for office again, and he already is.

1 Thanks.

2 UNIDENTIFIED JUROR: (Raising hand.)

3 MR. KNIGHT: Your Honor.

4 UNIDENTIFIED JUROR: I'm sorry. May I
5 use the restroom?

6 THE COURT: We'll take a break then.
7 Ms. Lewis, will 15 minutes suffice?

8 THE CLERK: I think so.

9 THE COURT: Yeah, I think the rules are,
10 one person in the restroom at a time. So it may
11 take a little bit longer. Why don't we try 15
12 minutes and let's see if we can get back in 15
13 minutes.

14 (Short break.)

15 MR. KNIGHT: I'm really glad that the
16 judge informed you that what lawyers say isn't
17 evidence, and what you see isn't evidence, or what
18 we say isn't evidence, because so much of what I
19 just saw is so out of context and misconstrued, or
20 just plain wrong.

21 This case is not about all kinds of
22 women. This case is about Gail Harness and whether
23 she was subject to sexual harassment, as the Court
24 generally defined it: Unwelcomed; severe;
25 pervasive. "Unwelcomed" means you don't want it to

1 happen. If you want it to happen, it's in the
2 sexual harassment. If it's consensual, it's not
3 sexual harassment. If it's severe, if it's not
4 pervasive, if it doesn't alter the terms and
5 conditions of your employment, it's not sexual
6 harassment.

7 Gail Harness started -- she's got two
8 causes of action. (1) sexual harassment. And,
9 basically, her evidence of that is the Snapchat.
10 You saw two of them. There's a lot more. I'm not
11 smart. I'm 54 years old. I don't know how to do
12 Snapchat. My 9-year old does better than I do on
13 social media.

14 But, look at the evidence, listen to the
15 witnesses, see what they say, see what the timeline
16 really is and ask yourself if this happened. Fired,
17 because she made a complaint of sexual harassment.

18 One of her other witnesses, one that was
19 going to be called today, I just learned, that was
20 told to you, she made the same sexual harassment
21 complaint and she went back to work. She stopped
22 work for Jones, went back to work for Jones and
23 wasn't fired. She resigned after Rex Lynch took
24 over -- not, "took," elected.

25 The Mayor's not the CEO of anything. I

1 could go on-and-on-and-on, but I'm not. What I want
2 you just to remember is, this case is about Gail
3 Harness and Gail Harness alone. It's not a class
4 action. There's not multiple people. Mr. Stanley
5 kept using the word "They, they, they." He kept
6 saying Anderson was a city. Anderson's not a city.
7 Anderson's made up of several cities. It's a
8 County: Morris; Oak Ridge; Clinton; Andersonville,
9 all are separate cities in Anderson County.

10 So, what you determine about this case
11 and the astronomical figure that she wants, is what
12 you think of what she says and what people say. And
13 that's all this case is about. Thank you.

14 THE COURT: Ladies and gentlemen, we're
15 going to have several days of evidence and a number
16 of witnesses. Do you think you might like to take
17 notes during the course of trial? Some of the
18 jurors are saying "yes". I will see that Ms. Lewis
19 obtains notebooks to give to you, along with a
20 writing implement. When you take breaks, just leave
21 the notepads in your seat. Don't take them out with
22 you.

23 So, we will take that -- it's almost
24 about 11:00 now, so at the lunch hour we will have
25 the notebooks distributed to you.

1 Are you ready for your first witness?

2 MS. BAILEY: Yes, Your Honor. The
3 Plaintiff calls Tracy Spitzer.

4 (WHEREUPON, the witness was sworn in by
5 the Court Clerk.)

6 THE COURT: We have a microphone there
7 and it is angled very close to your body. I think
8 if you speak into it, you will be heard well. You
9 have your mask on. It's up to you whether you want
10 to keep your mask on or not. And, jurors, if you
11 are having trouble hearing her, just raise your hand
12 and we will have her take her mask off and have her
13 speak into the microphone, but I don't think that
14 will be a problem, but we shall see. Sometimes,
15 experience is better than theory. So, in theory,
16 you ought to be able to hear, but we'll find out if
17 the theory is correct or not.

18 So, Ms. Spitzer, please say your name
19 clearly into the microphone.

20 THE WITNESS: Tracy Spitzer.

21 THE COURT: Yeah, I see some nodding
22 heads from the jury, so I think they can hear you.

23 Proceed, counsel.

24 MS. BAILEY: Thank you, Your Honor.

25 //

* * *

TRACY SPITZER,

was called as a witness, and after having been duly
sworn, testified as follows:

DIRECT EXAMINATION

QUESTIONS BY MS. BAILEY:

Q. Thank you, Ms. Spitzer.

Can you tell us where you presently work?

A. I work at Anderson County Juvenile Court.

Q. How long have you been there?

A. Since 2014.

Q. Do you have any children?

A. I do --

Q. What are --

A. Two.

Q. I'm sorry. What are their names and ages?

A. Rogan and Keegan. They're nine and six.

Q. And are you married?

A. I am.

Q. What is your husband's name?

A. Ronald Spitzer.

Q. What does he do?

A. He's a District Attorney for Anderson County.

Q. Now, you said you work for juvenile court.

1 Was there a time when you worked for the Anderson
2 County Clerk's Office?

3 A. Yes.

4 Q. When was that?

5 A. I started in 2014 in the clerk's office for
6 juvenile court.

7 Q. Who hired you?

8 A. William Jones.

9 Q. Did he alone decide to hire you or was there
10 someone else that had input, if you know?

11 A. Just him.

12 Q. Is he the person that normally did the hiring
13 for the Anderson County Clerk's Office?

14 A. Yes.

15 Q. And it was his decision alone of who to hire?

16 A. Yes.

17 Q. Did he have authority over other people that
18 he wanted to place in the office, for example, he
19 moved them from a different office?

20 A. Yes.

21 Q. Did he have the authority to decide what
22 policies were followed or not followed?

23 A. Yes, for his offices.

24 Q. For his office, the clerk's office?

25 A. Yes.

1 Q. He made the policies for the clerk's office?

2 A. Yes.

3 Q. What was your position with the clerk's
4 office?

5 A. I was just a clerk. I worked on everything
6 that was custody-related.

7 Q. Okay. And did you -- do you know Gail
8 Harness, the Plaintiff?

9 A. I do.

10 Q. How did you first meet her?

11 A. I first met Gail when she worked at Heritage
12 Preschool. She was a daycare worker and she took
13 care of my now oldest son. He was in her classroom.

14 Q. Do you know how it is that she came to work
15 at the clerk's office?

16 A. I do. She reached out to me one day while
17 she was still working at Heritage, and said that she
18 was going to school to get her bachelor's degree
19 at -- I'm not certain what her degree is. But she
20 said she needed an intern position, and she knew I
21 worked for the clerk's office, and she wanted to
22 intern there to get some experience.

23 Q. And you had observed her with your son?

24 A. I had.

25 Q. And so, were you confident that she would be

1 a good fit for the clerk's office?

2 A. I thought she would be a good fit, yes.

3 Q. Did you tell her about your -- about her
4 getting an interview with the clerk's office?

5 A. Yes. We had talked back and forth. I told
6 her I was going to reach out to William and ask if
7 he would allow an intern position, and he said, yes.
8 And so, I had reached out to her and told her that
9 he agreed. And then I'm not sure if he ever reached
10 out to her at that point, but I know I talked to her
11 several times.

12 Q. Was she excited about the position?

13 A. She was.

14 Q. Did she ask a lot of questions about this
15 potential job?

16 A. She did.

17 Q. What kind of questions did she ask you?

18 A. I mean, it varied. It was everything from,
19 you know, what's it like day-to-day; how much volume
20 of work; what do you guys do; you know, what's the
21 dress code; things of that nature.

22 Q. Did you ask Jones about what the dress code
23 should be?

24 A. I did. I was talking to him at one point,
25 and I had told him in a conversation that she's

1 really excited to start in her internship. And I
2 said, because she works at a preschool, the dress
3 code in the Court is a little bit different. And I
4 was joking and said to him, you know, the only thing
5 she's worried about is dress code.

6 Q. What was his response?

7 A. His response was, "The tighter and shorter,
8 that's what daddy likes," and then he laughed about
9 it.

10 Q. And who was daddy?

11 A. He was, William Jones.

12 Q. Is that how he referred to himself?

13 A. It was.

14 MS. BURCHETTE: Objection. Hearsay.

15 MS. BAILEY: Party admission, Your
16 Honor. Mr. Jones is Anderson County.

17 MS. BURCHETTE: He is not Anderson
18 County. He is no longer --

19 THE COURT: I'm sorry. I can't hear
20 you.

21 MS. BURCHETTE: He is no longer a party,
22 Your Honor. He's been dismissed.

23 MS. BAILEY: He is Anderson County, Your
24 Honor.

25 MS. BURCHETTE: No, he is not, Your

1 Honor.

2 THE COURT: Overruled.

3 BY MS. BAILEY:

4 Q. So -- I'm sorry, I lost my place.

5 THE COURT REPORTER: Do you need a read
6 back?

7 MS. BAILEY: Please. Thank you.

8 (WHEREUPON, the court reporter read
9 back the pending question, as follows:)

10
11 QUESTION: "Is that how he referred to
12 himself?

13 ANSWER: It was."

14
15 (WHEREUPON, the court reporter
16 concluded read-back.)

17 BY MS. BAILEY:

18 Q. He referred to himself as daddy?

19 A. Yes.

20 Q. Is that what he told everyone to call him?

21 A. Most everyone knew, yes.

22 Q. How did he refer to the clerks?

23 A. Some clerks had nicknames.

24 Q. What kind of nicknames?

25 A. Some are vulgar.

1 Q. Can you --

2 A. I don't --

3 Q. Can you tell me what some of those are by
4 using the initial of the word?

5 A. Yeah.

6 So, one clerk he considered "Daddy's B".
7 Another clerk --

8 Q. I'm sorry, which clerk was that?

9 A. Her name was Valerie Walker.

10 MS. BURCHETTE: Objection as to
11 relevance, Your Honor.

12 THE COURT: Counsel.

13 MS. BAILEY: Your Honor, it goes to the
14 environment to establish a hostile work environment
15 sexually charged, and it goes to notice.

16 THE COURT: Have you established that
17 these activities took place while the Plaintiff was
18 there?

19 MS. BAILEY: No, Your Honor, but it goes
20 to his -- the effect on the listener, which
21 establishes an entire hostile work environment
22 starting before the Plaintiff, which goes to the
23 notice of the --

24 THE COURT: It's the hostile work
25 environment for the Plaintiff. It's not a hostile

1 work environment for other people.

2 MS. BAILEY: Okay, Your Honor.

3 THE COURT: So, for notice, how does
4 that establish a notice?

5 MS. BAILEY: Because some of these women
6 have already filed using the same situation, and
7 that put the County on notice that this behavior was
8 going on well before Gail Harness made her
9 complaint.

10 THE COURT: Well, wouldn't the notice
11 then be the complaint and not the conversations?

12 MS. BAILEY: Okay. I'll withdraw the
13 question, Your Honor.

14 BY MS. BAILEY:

15 Q. When Mr. Jones told you how he liked
16 Ms. Jones to dress, how did that make you feel?

17 A. Disgusted.

18 Q. Is that what he normally said about the
19 wardrobe of the Clerk's Office?

20 A. Yes.

21 Q. Did you witness Mr. Jones engage in any
22 inappropriate behavior towards any other female
23 employees?

24 MS. BURCHETTE: Objection under 403,
25 again, Your Honor.

1 THE COURT: Counsel?

2 MS. BAILEY: Your Honor, if they're
3 objecting under 403, it's not under relevance, but
4 it goes, again, to the -- I'm sorry, it goes to the
5 hostile work environment that was pervasive at the
6 Clerk's Office.

7 During his opening argument, Mr. Knight
8 stated that it was not pervasive; that they had to
9 find pervasive. And yes, it started before
10 Ms. Harness worked there, but it was established and
11 it goes to notice of the County having experience
12 and notice of this behavior in Mr. Jones.

13 THE COURT: I may be mistaken, but as I
14 understand the law, a hostile work environment is
15 particular to a person. You can have two people
16 working in the same environment, and one person
17 could perceive the environment as being hostile,
18 while another could perceive that environment as
19 being jovial. Am I incorrect on that?

20 MS. BAILEY: No, Your Honor.

21 THE COURT: So, if I'm correct on that,
22 and it's the Plaintiff bringing the lawsuit, then
23 what's important is how the environment was to her.
24 And the fact that other people may perceive the
25 environment before that as hostile or non-hostile,

1 doesn't say anything at all about what the
2 perception was for her, does it?

3 MS. BAILEY: Not to the environment,
4 Your Honor. But it also goes to notice that there
5 was this hostile work environment in existence since
6 2014, and the County was on notice of it.

7 THE COURT: And the fact that he was
8 using offensive language to a certain employee, how
9 did the County know about that.

10 MS. BAILEY: Because it was reported in
11 the 2014 complaints.

12 THE COURT: Well, why don't we use that,
13 then, instead of -- that would be a notice, instead
14 of comments between Mr. Jones and these individuals
15 that the witness is referring to. And you're not
16 showing that the substance of that conversation was
17 reported to the County at that time, are you?

18 MS. BAILEY: We haven't gotten to that
19 point, Your Honor, but there will be testimony that
20 the County received notice of this behavior as early
21 as 2014.

22 THE COURT: Well, and in showing notice,
23 it's not necessary the contents be accurate or true.
24 The important thing is the notice. It seems to me,
25 though, that the evidence being brought forth right

1 now does not go to establishing a hostile work
2 environment as perceived by the Plaintiff, and it
3 also doesn't show notice, so the Court sustains the
4 objection.

5 MS. BAILEY: It also goes -- may I? I'm
6 sorry, Your Honor.

7 THE COURT: Of course.

8 MS. BAILEY: But it also goes to the
9 custom and policy that was accepted by the County
10 for this behavior.

11 THE COURT: Doesn't that also require
12 some type of knowledge on the County's part?

13 MS. BAILEY: Well, I'm trying to
14 establish that this happened, and then we'll get to
15 the reporting to the County.

16 THE COURT: It may be just a matter of
17 putting the cart before the horse. So why don't we
18 forego this and we'll put the horse in, and then you
19 can bring the cart in later on.

20 MS. BAILEY: Yes, Your Honor.

21 BY MS. BAILEY:

22 Q. Did Mr. Jones ever inappropriately touch you?

23 MS. BURCHETTE: Objection, Your Honor,
24 403, again.

25 THE COURT: Is this the same

1 conversation?

2 MS. BAILEY: I guess it is, Your Honor.

3 BY MS. BAILEY:

4 Q. Did you ever give a statement to the County?

5 A. I did.

6 Q. Do you remember when that was?

7 A. Sometime in 2017.

8 Q. May I see Exhibit 53, please?

9 Does your screen up there show an exhibit?

10 A. Uh-huh (affirmative).

11 Q. Can you tell me what that is?

12 A. That's the statement typed out by a court
13 reporter of what I gave to Mr. Bearden and
14 Ms. Whitaker at the time.

15 Q. Who asked you to give the statement?

16 A. The County law director.

17 Q. Who was that?

18 A. JD Aker.

19 Q. And who was Mr. Bearden?

20 A. He was the Director of HR at the time that
21 this occurred, that this statement occurred.

22 Q. Who was Ms. Whitaker?

23 A. She -- I guess her title was like an
24 Assistant Director of HR at that time.

25 MS. BAILEY: I'd like to move to Exhibit

1 No. 53, Your Honor. I guess we've already moved it.

2 THE COURT: It's admitted.

3 (WHEREUPON, a document was marked as
4 Exhibit Number 53.)

5 BY MS. BAILEY:

6 Q. Did you talk to anyone else before you gave
7 this statement?

8 A. In regards to like County employees or
9 anybody?

10 Q. Anybody in the County, did you talk to them
11 about what was -- you were experiencing in the
12 Clerk's Office before --

13 MS. BURCHETTE: Objection as to 403. It
14 doesn't matter what she was experiencing. It
15 matters what the Plaintiff experienced.

16 MS. BAILEY: Your Honor, I asked if she
17 talked to someone in the County to establish notice.

18 THE COURT: Yeah, I thought that's what
19 she was doing. The question would also elicit and
20 answer that she talked to co-workers, and I don't
21 think that's where you're going. I think you wanted
22 someone in authority.

23 MS. BAILEY: That is correct, Your
24 Honor.

25 THE COURT: Why don't you rephrase the

1 question, and we'll admit it on the basis that it
2 may go to notice.

3 MS. BAILEY: Thank you.

4 BY MS. BAILEY:

5 Q. Did you ever talk to anyone in Knox County --
6 I'm sorry, in Anderson County government that have
7 held a position HR, law director, mayor?

8 Did you talk to County Commission, any of
9 those people about what was going on with you?

10 A. I did not.

11 Q. Do you know how it is that Mr. Bearden came
12 to you for a statement?

13 A. My understanding is that a female went to an
14 authority figure and names were given, and mine was
15 one of the names that were given.

16 Q. Do you know what was said about you?

17 A. No.

18 MS. BAILEY: May I have a moment, Your
19 Honor?

20 THE COURT: You may.

21 (An off-the-record discussion was
22 held.)

23 BY MS. BAILEY:

24 Q. Do you remember some of the things that you
25 talked about in your sworn statement?

1 A. Yes.

2 Q. Can you tell me what you told them?

3 MS. BURCHETTE: Objection, Your Honor,
4 the statement's been admitted. It speaks for
5 itself.

6 THE COURT: Overruled.

7 BY MS. BAILEY:

8 Q. You may answer.

9 A. I told them about how it was to work for
10 Mr. Jones and what it was like on a day-to-day
11 basis. I told them about things that I had heard
12 personally about what he was doing to other females.
13 I said in my statement what he did to me.

14 Q. Let's go back one-by-one.

15 A. Okay.

16 Q. You told them how it was to work for the
17 Clerk's Office.

18 How was it?

19 A. It was terrible.

20 Q. In what way?

21 What made it terrible?

22 A. He -- working there -- you had to work -- you
23 had to come in every day and you had a box under
24 your desk, and you never knew when you were going to
25 be fired or when you were going to be in trouble.

1 Even if you had a question, you were
2 terrified to go to Mr. Jones to ask him 'cause you
3 never knew of the retaliation that you were going
4 to get from him.

5 Sometimes he would come down in the Clerk's
6 Office and he would -- it was very intimidating.
7 He'd sit on the corner of your desk so close to you
8 that it would block you in to your desk and you
9 could not get out. And he would whisper in your
10 ear and just say really inappropriate things.

11 Q. Give me an example of something he may have
12 whispered in your ear.

13 THE COURT: And again, please do not use
14 profanity.

15 THE WITNESS: He would whisper about,
16 you know, maybe one of the clerks in the office that
17 day in their outfits and how good they looked; he
18 would tell me nicknames of what he called other
19 clerks; he whispered in my ear about how he couldn't
20 stand the DA's Office, knowing my husband worked for
21 the DA's Office; things of that nature.

22 BY MS. BAILEY:

23 Q. And you said you told them what he had done
24 to others.

25 What had he done to others?

1 A. He would intimidate them as well. He called
2 people over to his office and made them sit in his
3 office for a long time and just be awful to them,
4 verbally awful.

5 I know that he Snapchatted some women. I
6 don't know all of them, but he Snapchatted some.
7 He would send degrading text messages. He would
8 call people, like, awful at their job. He'd yell
9 at them. He'd make scenes at the workplace. He
10 fired somebody once over 75 cents and had their
11 computer seized during a business day. I mean, it
12 was -- that was really hard to see.

13 Q. And then you talked about what he had done to
14 you.

15 What had he done to you?

16 A. So, in -- in juvenile court how it's set up,
17 there's our offices that are facing the public, and
18 we can help them. And then if you have to go around
19 the corner, which is not visible to the public or
20 anybody else, there's our copier. And I was at the
21 copier. I don't know exactly what I was doing. I
22 probably was refilling the paper. And I had bent
23 over, and he came up behind me and grabbed my waist,
24 and was like caressing my waist. And I jumped up
25 immediately and spun back around to face him head-on

1 so my back was not to him at that point.

2 Q. Do you remember when this was?

3 A. Sometime before I gave this statement.

4 Q. When you started at the Clerk's Office, were
5 you trained at your job?

6 A. No.

7 Q. So, when you -- what's your first day like
8 when you go to the Clerk's Office?

9 A. You know, you're getting your e-mail set up,
10 the phone extensions are set up.

11 MS. BURCHETTE: Objection as to
12 relevance, again, Your Honor.

13 THE COURT: Counsel?

14 MS. BAILEY: Your Honor, it goes to the
15 training or not mistraining of persons in the
16 Clerk's Office, on down to Mr. Jones not following
17 any policies of Anderson County. They are supposed
18 to be trained on everything, including how to report
19 sexual harassment.

20 THE COURT: And I guess you're trying to
21 prove it in a negative way by having her explain
22 what happened at her first day of work, and she
23 would not say that she received training on sexual
24 harassment?

25 MS. BAILEY: Correct.

1 THE COURT: If she is a very observant
2 person with a good memory and she recounts
3 everything she did on a first day, that should take
4 us about eight hours. You think there might be a
5 way to shorten that?

6 MS. BAILEY: I think there is, Your
7 Honor.

8 THE COURT: Okay.

9 BY MS. BAILEY:

10 Q. Did you receive a manual or a handbook on
11 your first day?

12 A. I don't recall receiving one on my first day.

13 Q. Do you recall ever receiving one?

14 A. I don't.

15 Q. Were you ever told by William Jones, Human
16 Resources or anyone else in the Anderson County
17 government how to report sexual harassment?

18 A. I don't recall that, no.

19 Q. Were there any signs posted in the Clerk's
20 Office about how to report sexual harassment?

21 A. No.

22 Q. You knew Ms. Harness before this and you
23 continue to know her to this day?

24 A. Yes.

25 Q. What's her reputation in the community here?

1 A. I --

2 Q. Do people talk about this?

3 A. Yes.

4 Q. Do they talk --

5 A. -- to some extent. I mean, it's been going
6 on for years now, so ...

7 Q. Do they talk about her?

8 A. If the subject is brought up, usually, yeah.
9 It was brought up as well, yes.

10 Q. Have you heard them say anything about her
11 kids?

12 A. I have not.

13 MS. BAILEY: May I have another moment,
14 Your Honor?

15 THE COURT: You may.

16 (An off-the-record discussion was
17 held.)

18 MS. BAILEY: Pass the witness, Your
19 Honor.

20 THE COURT: Cross-examination.

21

22 CROSS-EXAMINATION

23 QUESTIONS BY MS. BURCHETTE:

24 Q. Good morning, Ms. Spitzer.

25 A. Good morning.

1 Q. Just have a few questions for you today,
2 going back to the sworn statement you made on the
3 Elmo.

4 THE CLERK: Are you wanting this
5 document?

6 MS. BURCHETTE: Yes. Thank you.

7 BY MS. BURCHETTE:

8 Q. If you'll look -- technicality is not my
9 strong suit, if you can't tell.

10 If you would look at the date of that sworn
11 statement. Can you read that for me.

12 A. Thursday, September 14, 2017.

13 Q. So you didn't tell any person in Anderson
14 County government about the actions of Mr. Jones
15 until Thursday, September 14, 2017?

16 A. Are you asking me if I told, like, co-workers
17 or, like, people who were in a position of
18 authority?

19 Q. People who were in a position of authority.

20 A. I did not.

21 Q. And despite what you've testified as these
22 terrible conditions of the Clerk's Office, you still
23 didn't try to dissuade Ms. Harness from getting an
24 internship there?

25 A. I did not.

1 Q. And do you know if the statement that you
2 gave was before or after Ms. Harness reported her
3 complaint to Anderson County?

4 A. It had to be after.

5 Q. So, they didn't know about yours until after
6 Ms. Harness' complaint?

7 A. My understanding is that Gail is the one who
8 gave my name.

9 Q. And at that point in time, Ms. Harness had
10 already left the Clerk's Office, correct?

11 A. I don't -- no. Ms. Harness got moved from
12 juvenile court to Oak Ridge Clerk's. And I don't
13 know the date in which Ms. Harness actually left
14 Anderson County employment.

15 Q. Okay. And then you testified that if this
16 case is brought up, Ms. Harness is brought up; is
17 that correct?

18 A. Yes.

19 Q. Could that be because she's the one who
20 brought this case?

21 A. I would imagine.

22 Q. And do you know if after Ms. Harness left the
23 Clerk's Office, do you know where she went after she
24 left the Clerk's Office?

25 A. I don't.

1 MS. BURCHETTE: No further questions.

2 THE COURT: Redirect?

3 MS. BAILEY: Very briefly, Your Honor.

4
5 REDIRECT EXAMINATION

6 QUESTIONS BY MS. BAILEY:

7 Q. You said you did not report this until 2017.
8 Why didn't you report it?

9 A. I didn't report 'cause -- I mean, he's an
10 elected official, and he used to tell us all the
11 time that nobody could touch him and nothing could
12 be done, so what was the point of reporting it.

13 Q. Did you ever hear him tell that to other
14 clerks in the office?

15 A. Yes. And he --

16 Q. I'm sorry. Go ahead.

17 A. He bragged about it to everybody.

18 Q. Did that make you feel like he was
19 untouchable?

20 A. Yes.

21 Q. You were asked why you -- or you were asked
22 about you referring Ms. Harness to the Clerk's
23 Office and not trying to dissuade her from going
24 there. But she asked you specifically about the
25 Clerk's Office, didn't she?

1 A. She did.

2 Q. Did she ask about any other office?

3 A. She did not.

4 Q. And you talked about moving to Oak Ridge.

5 A. Uh-huh (affirmative).

6 Q. Tell me about that.

7 A. So, it used to be when Mr. Jones was in
8 charge, that if a clerk was moved to the Oak Ridge
9 Clerk's Office --

10 MS. BURCHETTE: Outside the scope of
11 direct. Sorry, Your Honor. Or my cross. Sorry,
12 Your Honor.

13 THE COURT REPORTER: Judge, would you
14 mind having her repeat. I'm sorry.

15 THE COURT: Let's slow down here. I
16 think we're talking over each other. There is an
17 objection --

18 MS. BURCHETTE: Yes.

19 THE COURT: -- to the question about Oak
20 Ridge. And the objection's what?

21 MS. BURCHETTE: Outside the scope of
22 cross.

23 THE COURT: Outside the scope of your
24 cross-examination.

25 Ms. Baker?

1 MS. BAILEY: Bailey.

2 THE COURT: I'm sorry, Ms. Bailey.

3 MS. BAILEY: That's okay.

4 It was brought up. I never brought it
5 up on direct, Your Honor. It was brought up during
6 cross. I'm just asking her to expound upon it.

7 THE COURT: Who brought it up on
8 cross-examination?

9 MS. BAILEY: The witness spoke about it.
10 She asked where she went after the Clerk's Office.
11 The witness said at one point she went to Oak Ridge.

12 THE COURT: I think you're correct. The
13 witness brought up Oak Ridge and talked about Oak
14 Ridge.

15 For redirect, though, I think it has to
16 be something that was brought up by counsel.

17 Was it brought up by counsel?

18 MS. BAILEY: Indirectly, Your Honor.
19 She asked about being transferred to Oak Ridge.
20 Well, she didn't ask about the transfer. She did
21 ask was she moved.

22 THE COURT: Was she moved.

23 MS. BAILEY: Or what happened after she
24 left the Clerk's Office.

25 THE COURT: I'll allow it.

1 BY MS. BAILEY:

2 Q. Tell me about Oak Ridge.

3 A. When Mr. Jones was in charge, the Oak Ridge
4 Clerk's Office was considered the graveyard for
5 clerks. You only got transferred there if you were
6 going to be fired.

7 Q. Was that known throughout --

8 A. That was very well-known throughout the
9 Clerk's Office, that if you get transferred there,
10 it's a very short time before you're going to get
11 fired.

12 Q. Thank you.

13 MS. BAILEY: No more questions, Your
14 Honor.

15 THE COURT: Thank you, Ms. Spitzer. You
16 may step down.

17 (Witness excused.)

18 THE COURT: Call your next witness.

19 THE CLERK: What was that name?

20 MS. BAILEY: Kaylee Winstead.

21 (WHEREUPON, the witness was sworn in by
22 the Court Clerk.)

23 * * *

24 **KAYLEE WINSTEAD,**
25 was called as a witness, and after having been duly

1 sworn, testified as follows:

3 DIRECT EXAMINATION

4 QUESTIONS BY MS. BAILEY:

5 Q. Please introduce yourself to the jury and let
6 them know where you currently work.

7 A. My name is Kaylee Winstead and I work at
8 Harrison's in Clinton.

9 Q. What level of education did you achieve?

10 A. I went to school at Brian University, got a
11 bachelor's in litigation, paralegal and electronic
12 discovery.

13 Q. Did you have an occasion to work for the
14 Clerk's Office in Anderson County?

15 A. I did.

16 Q. Do you recall when that was?

17 A. 2014.

18 Q. Who were you working for?

19 A. Tyler Mays at first.

20 Q. And after Tyler Mays.

21 A. William Jones.

22 Q. At some point did you give a statement to the
23 Anderson County government?

24 A. I did.

25 Q. Who did you give the statement to?

1 A. It was an HR guy. I'm not quite sure of his
2 name. Russell. I only met him the one time.

3 Q. That would be the time that you gave the
4 statement?

5 A. Yes.

6 Q. And he was the person that was in charge of
7 HR?

8 A. Yes.

9 Q. Was anyone else in the room with you?

10 A. There was a court reporter.

11 Q. I'm showing you Exhibit 54.

12 (WHEREUPON, a document was marked as
13 Exhibit Number 54.)

14 BY MS. BAILEY:

15 Q. Do you recognize that?

16 A. I do.

17 Q. What is that?

18 A. That is my sworn statement.

19 MS. BURCHETTE: Your Honor, we're going
20 to object to at least to parts of this statement,
21 because parts of this contain matters that are
22 outside of her employment with Anderson County in
23 the sworn statement. And so, we would say that
24 parts of this statement is not relevant to this
25 matter.

1 THE COURT: Can you identify the parts
2 as to which you have an objection?

3 MS. BURCHETTE: Yes, Your Honor. Give
4 me one second.

5 THE COURT: Ladies and Gentlemen, before
6 we had a trial such as this, one of the things we do
7 is we ask the attorneys to get together and go over
8 the exhibits so they can identify what they have an
9 objection to and see if they can agree on things so
10 we don't have problems like this.

11 You're sitting up here twirling your
12 thumbs now while the lawyers are going through pages
13 of documents to see what it is they object to and
14 what it is they do not object to. I apologize for
15 this. And I'm going to impress upon the attorneys
16 that we don't need this to happen again in the
17 future. Your time is very valuable and we don't
18 want to use your time in sitting here while the
19 lawyers go through pages of documents and conversing
20 is really an abuse of your time. So I apologize for
21 that. And I'm going to do as much as I can to make
22 sure this does not happen again.

23 MS. BURCHETTE: We'll withdraw the
24 objection, Your Honor.

25 ///

1 BY MS. BAILEY:

2 Q. So you were hired by Tyler Mays?

3 Do you remember when that was?

4 A. It was in March.

5 Q. How long did you work for the Clerk's Office?

6 A. Until September 10th.

7 Q. What was the info -- did you know Mr. Jones
8 before you got to the Clerk's Office?

9 A. Yes.

10 Q. How did you know him?

11 A. I also worked at Gondolier while I was also
12 at the courthouse before and during, and he would
13 come in to Gondolier while I was waiting tables, and
14 he would -- him and his wife would ask for me to be
15 their waitress.

16 Q. Did you have any other conversations with
17 him?

18 MS. BURCHETTE: Objection under 403.
19 Your Honor, if we can have a sidebar, I can tell you
20 a bit more.

21 THE COURT: Well, the question is very
22 broad. I think she got to say yes. But those
23 conversations could be about the weather; it could
24 be about football; it could be about anything.

25 Why don't you try to narrow the question

1 down so that everyone will have a better idea of
2 what the subject is and she will have a better idea
3 also.

4 MS. BAILEY: Yes, Your Honor.

5 BY MS. BAILEY:

6 Q. Did Mr. Jones ever ask you to work for him
7 and/or his wife?

8 A. Yes.

9 Q. What kind of work were they doing?

10 A. It was a booth that they rented out of Turkey
11 Creek, to my understanding, that bedazzled shirts
12 for different things like balls and different stuff
13 on it.

14 Q. Did you work for them?

15 A. No. I was going to, but the day that I was
16 going to go to work for him, I actually got called
17 into Gondolier. And since I had been with them for
18 almost 10 years, I had to call and tell them, and
19 they said just not to bother.

20 Q. Did they respond to it any other way?

21 A. Did they respond after that?

22 Q. Yes.

23 A. He messaged me after that.

24 Q. What did he message you?

25 MS. BURCHETTE: Objection under 403

1 again, Your Honor. How does this pertain to any
2 sexual harassment in Ms. Harness?

3 MS. BAILEY: Your Honor, it's going to
4 go, if I'm allowed to proceed, to establish the,
5 again, custom, policy of Anderson County and
6 Mr. Jones, in firing people or moving them or
7 reprimanding them upon a complaint of sexual
8 harassment.

9 THE COURT: We've covered an awful lot
10 of material there. This is back in 2014, or before
11 2014, right?

12 MS. BAILEY: Yes.

13 THE COURT: And the question is: Was
14 there a conversation between Mr. Jones and this
15 witness?

16 MS. BAILEY: Yes.

17 THE COURT: And this is before the time
18 that the Plaintiff started working in Anderson
19 County; is that right?

20 MS. BAILEY: That is correct.

21 THE COURT: Okay. Sustained.

22 MS. BAILEY: Your Honor, may we have a
23 sidebar, please?

24 THE COURT: Ladies and Gentlemen, let me
25 have you step outside of the courtroom while the

1 lawyers talk to me. I think that they'd like some
2 clarification on what they can get into evidence and
3 what they can not get into evidence. So I think it
4 might save a lot of time if the Court has the chance
5 to speak to the lawyers.

6 (WHEREUPON, the jury was excused for a
7 break, after which the following proceedings were
8 had in open court, as follows:)

9 THE COURT: Okay. The jurors are out of
10 the courtroom now, so everyone should be free to
11 speak as openly as they would like to.

12 MS. BAILEY: Your Honor, the reason I
13 asked for a sidebar is to make a proffer of what
14 this testimony is going to show. Ms. Winstead was
15 approached by Mr. Jones to have a threesome with him
16 and his wife. She started working at the Clerk's
17 Office before he was even elected. But upon his
18 election, he came to the Clerk's office, treated her
19 badly, and fired her. That goes to the policy, the
20 custom of Anderson County Clerk's Office, which
21 Mr. Jones is the final policymaker. That policy was
22 carried through to Ms. Harness.

23 THE COURT: And the policy is what?

24 Would you state the policy?

25 MS. BAILEY: That if someone makes a

1 complaint of sexual harassment against him or
2 resists, then they're punished. And this happened
3 before she worked there. But when she worked there,
4 he noticed her. He started treating her differently
5 and then he fired her.

6 THE COURT: So the policy of Anderson
7 County as established by Mr. Jones, was that if you
8 resisted his advances, or if you complained about
9 his advances, then you would be terminated. That's
10 the policy?

11 MS. BAILEY: You would be reprimanded,
12 terminated, moved, something, but you would pay for
13 it. You would be punished.

14 THE COURT: So that's changed a little
15 bit.

16 MS. BAILEY: I'm sorry?

17 THE COURT: The policy's changed a
18 little bit. The first policy was that you would be
19 terminated. Then, the policy was that you would be
20 punished.

21 And is this witness going to be able to
22 establish that in every single case where he made
23 advances and someone resisted advances, that that
24 person was fired?

25 MS. BAILEY: No, Your Honor, we can't

1 establish that. We don't know all the cases.

2 THE COURT: How can it be a policy,
3 then?

4 MS. BAILEY: We can show -- the pattern
5 is, of the witnesses that we're putting forward,
6 will show that when a sexual harassment complaint
7 was made against him, then you were punished.

8 We don't have the time or the
9 wherewithal or even the finances to find all the
10 witnesses that he's harassed, and bring them in to
11 establish the policy. So we put on our few
12 witnesses to show that even before Ms. Harness got
13 there, this policy was in place, and it carried
14 through until she was terminated.

15 THE COURT: Now, a policy might be, if
16 you contract COVID, you're sent home. And as
17 evidence of policy, would be everybody that got
18 COVID that the decision makers knew about, got sent
19 home. If the decision maker would send some people
20 home, but not other people home, is that really a
21 policy?

22 MS. BAILEY: It's a policy. It may not
23 be evenly applied.

24 THE COURT: I'm just saying, because
25 it's possible it's policy, but it may not be policy.

1 It may be a policy that's not evenly applied, but it
2 also may not be a policy.

3 A policy, I think --

4 MS. BAILEY: I don't think a policy
5 happens in every single place. I think it is a
6 usual action that is expected by the receiver or
7 that is put down by the policymaker. It may not be
8 applied in every case.

9 THE COURT: Well, what's the difference
10 between a course of action and a policy, then?

11 MS. BAILEY: A course of action could be
12 a single event.

13 MR. COLLINS: Your Honor, if I may. One
14 of the --

15 THE COURT: No, you may not. You may
16 not. You may not. Ms. Bailey's doing an excellent
17 job. I don't think she needs any help at all.

18 Are there any --

19 MS. BAILEY: Your Honor, if I could flip
20 this.

21 THE COURT: You may.

22 MS. BAILEY: If we only put one person
23 on the stand and said this happened, they would say
24 that's not a policy, that's just one person. So,
25 we're putting on more than one person to show that

1 this is consistently going on to establish a policy.

2 THE COURT: I think I started out by
3 asking you if you were going to establish that in
4 every single case, that the person was terminated or
5 punished or reprimanded or something. And before
6 this witness could establish that, I think you
7 said, "No," that there was no way to put on evidence
8 to show that every single person resisted.

9 Mr. --

10 MS. BAILEY: We don't even know
11 everybody that resisted. Not everybody complained.
12 Some complained anonymously. Some were too afraid
13 to complain, as we heard the first witness state.

14 THE COURT: I think I understand your
15 position. Let me hear from the Defense. And the
16 Plaintiff is making an argument that they can
17 establish a policy by putting on witnesses who will
18 say that at least with respect to them, that certain
19 things happen when they resisted.

20 Ms. Burchette.

21 MS. BURCHETTE: Your Honor, I would like
22 to first point out that all of these statements that
23 have been made were made after the Plaintiff
24 complained, and therefore --

25 THE COURT: Well, I don't know that that

1 makes a difference, if it goes to policy. The
2 policy could have been established prior to the
3 Plaintiff's employment, could it not?

4 MS. BURCHETTE: It could have been, yes,
5 Your Honor. But sexual harassment, as you said,
6 they said, as we've said, is a personal -- it's a
7 hostile work environment. It's personal to --

8 THE COURT: Well, I think that's a
9 different issue. I think what we're talking about
10 is whether it's a policy of punishment or
11 terminating people when they resist. That's the
12 only thing we're talking about.

13 MS. BURCHETTE: Okay.

14 THE COURT: And assuming that policy is
15 relevant, then, whether the Plaintiff was at the
16 office when the policy was developed, I don't know
17 it makes that much difference, so long as the policy
18 was still a policy. And that's what we're talking
19 now is whether the witnesses can establish a policy,
20 not whether the Plaintiff was there at the time or
21 not.

22 MS. BURCHETTE: I don't think they can
23 establish a policy, Your Honor.

24 THE COURT: Why not?

25 MS. BURCHETTE: Well, Ms. Spitzer is

1 still employed by the juvenile courts. Ms. Winstead
2 was. But each person has their own different
3 outcome as Mr. Knight said in opening --

4 THE COURT: So you're saying that this
5 witness resisted the overtures of Mr. Brown [sic]?

6 MS. BURCHETTE: Mr. Jones.

7 THE COURT: Mr. Jones. Therefore, the
8 policy could not be if you resisted, you were fired
9 or terminated?

10 MS. BURCHETTE: No, I think there's all
11 kinds of outcomes: Should this be declared the
12 policy of Anderson County, which we would, again,
13 dispute that Mr. Jones is a final policymaker on
14 this. I think there are numerous outcomes that have
15 happened to these victims that you will hear from
16 that make this an inconsistent policy that they're
17 trying to assert.

18 THE COURT: Well, if it's inconsistent,
19 how is it a policy, then?

20 MS. BAILEY: I'm sorry. Are you asking
21 me, Your Honor?

22 THE COURT: No, I'm asking
23 Ms. Burchette.

24 MS. BURCHETTE: I mean, I don't think it
25 is a policy.

1 THE COURT: What do you understand a
2 policy to be?

3 MS. BURCHETTE: I think that I
4 understand what they're trying to assert is a
5 policy.

6 THE COURT: That wasn't the question.

7 MS. BURCHETTE: Yes, Your Honor.

8 THE COURT: What is your understanding
9 of what a policy is?

10 MS. BURCHETTE: A policy is an
11 implementation that's done across the board. It's a
12 standard. It's basically a rule.

13 THE COURT: It is a clear rule.

14 MS. BURCHETTE: Yes, Your Honor.

15 THE COURT: That's meant to apply, and
16 just, by all circumstances.

17 MS. BURCHETTE: Yes, like your COVID
18 policy, Your Honor.

19 THE COURT: And the policy as
20 articulated by the Plaintiff is that if you resisted
21 Mr. Jones' overtures, you would be terminated,
22 punished or moved in some manner.

23 MS. BURCHETTE: That is their assertion,
24 Your Honor.

25 THE COURT: And they're not able to show

1 it by this witness again, why?

2 MS. BURCHETTE: I think each of them had
3 different outcomes to where it is inconsistent as to
4 where it was. I believe where Ms. Winstead was
5 headed, he never made an advance overture to her
6 while she was an employee. It was the fact that she
7 rebutted his advances prior to it. So, therefore,
8 in the context of employment, it wasn't there, and I
9 believe that there was a legitimate reason proffered
10 by her termination.

11 THE COURT: Ms. Bailey.

12 MS. BAILEY: Yes, Your Honor. Your
13 Honor, I'm going to read from the Seventh Circuit
14 pattern jury instructions if the Court will allow.

15 The term "Policy" means a rule or
16 regulation adopted by, in this case, Anderson
17 County. A custom that is persistent and widespread,
18 a decision at, or policy, statement of, in this
19 case, Mr. Jones.

20 THE COURT: That seems pretty consistent
21 with the question that I asked. And so, although
22 we're not bound by Seventh Circuit law, the
23 statement that you just read, I think is pretty
24 consistent with the question that I was asking.

25 MS. BAILEY: In this case, Your Honor,

1 it was a custom written policy that if you rebuked
2 or reported his sexual harassment, even if it didn't
3 happen in Anderson County government at the time,
4 which it didn't, to her, but when she became an
5 employee of Anderson County, that sexual harassment,
6 that sexual incident caused her to be fired.

7 THE COURT: Well, I'm still having some
8 difficulty with the inconsistencies, as I think you
9 and Ms. Burchette have talked.

10 MS. BAILEY: I think what --

11 THE COURT: Is the witness able to
12 testify that it was a set rule that this is what
13 happened or shown or talk about what happened to
14 her?

15 MS. BAILEY: She can talk about what
16 happened to her, Your Honor. And the other
17 witnesses will talk about what happened to them.

18 THE COURT: Well --

19 MS. BAILEY: And, Your Honor --

20 THE COURT: If it's a rule or
21 regulation, employees are probably going to be aware
22 of it. A rule that employees don't know about is
23 really not a rule at all.

24 MS. BAILEY: But it's a custom.

25 THE COURT: If it's a custom, then

1 employees are also going to be familiar with the
2 custom. It may be a custom that we go to lunch at
3 Gondolier's at 12:00 every day. Everybody knows
4 about that. That's why they go.

5 If it's a decision made by a
6 policymaker, then that's disseminated somehow, so
7 people know about that also. That's a little bit
8 different than saying that, "I experienced 'X',
9 therefore 'X' is a policy."

10 MS. BAILEY: Right, Your Honor. But
11 we're not asking her whether it's a policy. We're
12 asking her what happened to her. We asked
13 Ms. Spitzer what happened to her. We're going to
14 ask Ms. Harness what happened to her. And we will
15 see that there is a consistent policy custom. He
16 sexually harasses you, you complain or you rebuff,
17 he fires you or he punishes you. They may not know
18 that. That's not going to be written policy. He's
19 not going to write that down. But if it happens
20 enough and the County looks the other way, then we
21 have an established policy that the County has
22 ignored.

23 THE COURT: Well, I think there are a
24 couple things there. On the policy, I think you can
25 establish policies by putting on individuals. But I

1 think you also have to try to establish that this is
2 always -- the consequences always happen. That's
3 rule. That is the custom.

4 The other thing you talked about is
5 "notice", and that's something different. If --

6 MS. BAILEY: But, your Honor.

7 THE COURT: If you're able to establish
8 that in every case, or even in the great majority of
9 cases, that if someone resisted, then there was an
10 adverse consequence, I think that's fair game.

11 If one were putting on haphazard people
12 and they're saying, "something happened to me," I
13 don't know if that goes to established policy or not
14 or a custom.

15 MS. BAILEY: If it was known throughout
16 the Clerk's Office that this is what happens,
17 that --

18 THE COURT: I think I asked you that and
19 you said, "No."

20 MS. BAILEY: No, I said that there's no
21 way we can know every person it happened to.

22 THE COURT: Well, I'm giving you a lot
23 of leeway. I'm allowing you to establish through
24 this witness whether it's a rule or regulation. I
25 think that's what the Seventh Circuit said. Or

1 whether it's a custom of action. I think that's
2 also what the Seventh Circuit said. Or a policy
3 decision made by a policymaker, which is what the
4 Seventh Circuit said. And I think you're resisting
5 that you just want this witness to testify what
6 happened to her.

7 MS. BAILEY: Well, Your Honor, I can
8 only ask her what happened to her, but I can ask her
9 if she --

10 THE COURT: Well, but she worked there.

11 MS. BAILEY: I understand that.

12 THE COURT: And she should be aware of
13 what the custom is in the office, what the course of
14 conduct is in the office, what policies existed --

15 (Simultaneous, unreportable crosstalk.)

16 MS. BAILEY: Well, she only worked there
17 a couple days before he fired her.

18 But if she -- I will ask her, if the
19 Court will allow, if she knew about the policy. The
20 other clerks did. As you heard the first witness
21 say, they kept a box under their desk, because they
22 never knew when they were going to be fired.

23 THE COURT: Ms. Burchette.

24 MS. BURCHETTE: I mean, Your Honor, not
25 to imply that the witness would do this such -- but

1 we've sat here and listened to this whole discussion
2 about how -- to establish that she needs to testify
3 as to the fact that she knew of this existence of
4 this policy or not. I don't think a witness who's
5 worked here for 10 days could possibly establish
6 that. I mean, that is remarkable if she could. And
7 again, I don't think that this haphazard one victim,
8 two victim, three victim thing can show a policy or
9 a custom or something of that such -- because each
10 person had a different outcome. And then if you
11 want to get to the notice problem of it all, I can
12 go there or I can let this one process.

13 MS. BAILEY: May I respond, Your Honor?

14 THE COURT: Ms. Bailey, I'm going to
15 allow you to try to establish through this witness
16 that there was a policy or a custom or a decision
17 made. And Ms. Burchette, you have the right to
18 cross-examine the witness, of course, if you can
19 point out that she was either not in a position to
20 know of a policy, or the policy was really not a
21 policy. It was haphazard. It was applied. I think
22 both of you used the word "inconsistent" or
23 "inconsistently". But I think from my questions I
24 think you can see I'm looking for something a little
25 more substantial than just individual people coming

1 in saying, "'X' happened to me, therefore 'X' must
2 be a policy."

3 MS. BAILEY: I understand, Your Honor.
4 Going forward, can we assume the other witnesses
5 we're putting on will be able to have that same
6 opportunity to testify to the policy or the custom?
7 I mean, I think that's where we're getting tripped
8 up. Custom and policy are normally used
9 interchangeably. In this case we're saying policy,
10 which denotes something written or understood by all
11 versus a custom, which is an accepted pattern of
12 behavior, and that's what this is.

13 We could have brought in 20 witnesses,
14 and as Your Honor said, well, I could keep them up
15 there eight hours a day, but we don't have that kind
16 of time. The witnesses that we, chose we felt made
17 a strong enough case to show that this is what
18 happens when you report or rebuff his sexual
19 harassment. And I don't know how many witnesses we
20 need bring in to show that.

21 THE COURT: You read the law from the
22 Seventh Circuit, and I've not done any research of
23 that at all. But I think that was an accurate
24 statement of the law. And I think the Sixth Circuit
25 law would be pretty much the same. And as long as

1 you are, I think, following that, and how you
2 establish that is pretty much up to you. It's not
3 my job and it's not my role to tell counsel how to
4 prove their case. I don't think that there's
5 anything wrong with the objective that you're trying
6 to achieve.

7 Most of the things Ms. Burchette have
8 brought up on cross-examination items, they really
9 do not address whether there was a policy at all.
10 And so, what you want to do with other witnesses is
11 pretty much going to be up to you. I think if you
12 look at the Seventh Circuit jury instruction that
13 you found, I think you're going to find abundant
14 case law on how to establish a policy, or a custom,
15 or a decision by a decision maker.

16 So can we bring the jury back in?

17 MS. BAILEY: Yes, Your Honor.

18 MS. BURCHETTE: Yes, Your Honor.

19 (WHEREUPON, the jury re-entered the
20 courtroom, with matters being heard in open court,
21 as follows:)

22 THE COURT: Ladies and Gentlemen, I hope
23 that you notice when you exit or when you come back
24 everybody stands, and that's in honor of you and the
25 responsibility that you have in a case of this type.

1 Counsel, proceed.

2 MS. BAILEY: Thank you, Your Honor.

3 BY MS. BAILEY:

4 Q. Ms. Winstead, were you there on Mr. Jones'
5 first day in office?

6 A. Yes.

7 Q. Did you have any conversation with him?

8 A. No.

9 Q. Did you ever have any conversations with him
10 before he fired you?

11 A. One.

12 Q. What was that conversation?

13 A. That was me initiating a conversation. He
14 had pulled everybody in the office one-by-one into
15 his office at one point in time just to meet and
16 greet. I told you I can't exactly say what he told
17 them or didn't tell them. I wasn't in there.
18 But -- and he hadn't done me. I was the only person
19 in the office that he hadn't spoke to.

20 So I wanted to introduce myself and tell him
21 that, you know, I was there to work, and I was
22 going to be a good employee for him if he chose,
23 you know, to keep me. 'Cause I just had kind of
24 gotten the wind that he wasn't going to.

25 Q. Okay. We've got a lot to unpack there.

1 A. Right.

2 Q. You first said you wanted to introduce
3 yourself. But you had met him before, isn't that,
4 correct?

5 A. Yeah.

6 Q. And so you knew him?

7 A. Uh-huh (affirmative).

8 Q. And he knew you?

9 A. Yeah.

10 Q. How many days were you there when he was the
11 clerk?

12 A. It was around 10.

13 Q. So, the 10 days that he was your boss, he
14 never spoke to you except this one conversation?

15 A. Yeah.

16 Q. Did you mention your prior introduction to
17 him when you were having that one conversation with
18 him?

19 A. I did. I just was like, I know you probably
20 remember me from Gondolier. I just wanted to see if
21 he acknowledged that he remembered me. And he
22 didn't say anything the entire time. He just sat
23 there across the desk from me.

24 Q. How was he looking at you?

25 A. Not very pleasant. He wasn't being mean or

1 malicious. He was just kind of staring at me like I
2 was wasting his time.

3 Q. Now, in your prior conversations with
4 Mr. Jones and/or his wife, what was the essence of
5 those conversations, besides the work that we've
6 already talked about?

7 MS. BURCHETTE: Objection as to
8 relevance, Your Honor. This happened before she was
9 employed at the County.

10 THE COURT: And I assume that this was
11 also before the time that Mr. Jones was the clerk?

12 MS. BURCHETTE: Yes.

13 MS. BAILEY: Yes.

14 THE COURT: So Mr. Jones is a private
15 person and she was an employee of Gondolier Pizza.
16 How is this relevant?

17 MS. BAILEY: It affected her employment
18 once she became clerk and he was at the office.

19 THE COURT: Sustained.

20 BY MS. BAILEY:

21 Q. Were there -- did Mr. Jones ever make a pass
22 at you or suggest any sexual --

23 MS. BURCHETTE: Objection, leading.

24 MS. BAILEY: Your Honor, she can say
25 "yes" or "no."

1 THE COURT: Sustained.

2 BY MS. BAILEY:

3 Q. Did Mr. Jones ever treat you inappropriately?

4 A. At the courthouse?

5 Q. Anytime.

6 A. Not in front of his wife. Not in person, no.

7 Q. In any media?

8 MS. BURCHETTE: Objection to the extent
9 this was before he took office, before she worked
10 there.

11 MS. BAILEY: And it, again, goes to her
12 employment, Your Honor, what happened when she
13 worked there and what he did to her.

14 THE COURT: If the question is limited
15 to the time that she worked for Mr. Jones, it's
16 permissible. If she is referencing something that
17 took place prior to that, after that, it is not
18 admissible.

19 MS. BAILEY: Okay.

20 BY MS. BAILEY:

21 Q. Do you know or have any thought about why
22 Mr. Jones treated you the way he did when you worked
23 for the Clerk's Office?

24 A. Our past engagement of him trying to employ
25 me, and then getting my phone number and sending me

1 messages that were not responded with very well.

2 MS. BAILEY: May I inquire into the
3 messages, Your Honor?

4 MS. BURCHETTE: Your Honor, we would
5 object as it is before the relevant time period.

6 THE COURT: If it's outside of her
7 employment for Anderson County, the objection is
8 sustained.

9 BY MS. BAILEY:

10 Q. Tell me about the day you were fired.

11 A. It was a busy day. We had pleas that day.
12 So, one of the ladies he had brought in had worked
13 there before, but she wasn't up-to-date with all of
14 our technology and stuff. So she had got done with
15 pleas and came and brought all of her work, and I
16 was going to do it. I was happy to do it. And
17 about that time, he called me into his office, and
18 it was with Cathy Best and Angela Metcalf. And she
19 basically sat me down and was explaining how I
20 probably heard that some other people had been let
21 go, and that she was sorry to do this, that there
22 was no reason for my firing, and that there was no
23 one thing that I had done, but that I didn't fit the
24 mold of what he was trying to do. And so, I would
25 be fired under miscellaneous discharge.

1 Q. Did she give you any other advice?

2 A. She asked me if I wanted to do unemployment.
3 And if I did, that I would come down to her office
4 after we were done speaking.

5 MS. BAILEY: May I have a moment, Your
6 Honor?

7 THE COURT: You may.

8 BY MS. BAILEY:

9 Q. Why do you think you were fired?

10 A. I think I was fired because I talked to
11 Angela Metcalf about things that William Jones had
12 said in the past, not knowing that she was close
13 with him. And when he took office, I think she let
14 him know that I had made the connection of who he
15 was. And he couldn't -- I don't think he wanted me
16 around spreading that gossip for better -- lack of a
17 better way of putting it.

18 Q. So you told Ms. Metcalf. And who was she?

19 A. She, at the time when I was there, was doing
20 the cost bill and the payouts of all of the people
21 coming in and making payments in the Court. But she
22 became like his clerk under him after I left.

23 Q. And what did you report to her?

24 MS. BURCHETTE: Objection, Your Honor.

25 THE COURT: Sustained.

1 MS. BAILEY: Pass the witness, Your
2 Honor.

3 THE COURT: Cross-examination.
4

5 CROSS-EXAMINATION

6 QUESTIONS BY MS. BURCHETTE:

7 Q. Good morning, Ms. Winstead.

8 A. Good morning.

9 Q. I have just have a few questions for you.

10 Now, when Mr. Jones took office, you only
11 worked for him for a total of 10 days; is that
12 correct?

13 A. Yeah.

14 Q. So you didn't work with Ms. Harness?

15 A. No.

16 Q. And you testified earlier that in those 10
17 days, Mr. Jones didn't speak with you?

18 A. No.

19 Q. And did you tell anyone in the county about
20 anything regarding Mr. Jones, anyone in the county
21 with authority making decision -- authority making
22 power prior to your giving your sworn statement?

23 A. You mean over the previous things that I like
24 talked with my boss --

25 Q. Yes.

1 A. I had spoke with my Tyler, my boss, Mays,
2 Julie Carden, I believe is her last name, and Angela
3 Metcalf.

4 Q. That was the prior clerk, not anyone during
5 Mr. Jones' --

6 A. Oh, no, no, no.

7 Q. And how many clerks are there in the circuit
8 court clerk?

9 A. Quite a few. You've got General Sessions.
10 Well, you've got Tyler, my boss who is Tyler, who
11 ran -- like, he was the main boss. But then you
12 had -- underneath you had your criminal court clerk,
13 your circuit clerk. I was the criminal one.

14 Q. And you would agree that everyone has a
15 different experience with their boss?

16 A. Absolutely.

17 MS. BURCHETTE: Nothing further, Your
18 Honor.

19 THE COURT: Redirect.

20
21 REDIRECT EXAMINATION

22 QUESTIONS BY MS. BAILEY:

23 Q. What was it like working for him in those 10
24 days?

25 A. It was a little rough just because I wanted

1 to keep my job, and I was fairly certain that I was
2 about to lose it. And so, it was rough. I had a
3 rough 10 days for sure, just kind of waiting to be
4 fired.

5 Q. Why did you think you were going to lose your
6 job?

7 A. Just the general atmosphere. I wasn't being
8 spoke to by him or any of the people he had brought
9 with him. And it just makes you feel uneasy when
10 nobody in the office is speaking to you.

11 MS. BAILEY: Your Honor, just one more
12 thing. I think I neglected to move the exhibit in,
13 so I will move the exhibit.

14 THE COURT: It's admitted. That's the
15 statement that she gave to Mr. Bearden?

16 THE CLERK: Is that 54, Exhibit 54?

17 MS. BAILEY: Yes.

18 THE COURT: It's admitted.

19 MS. BAILEY: Thank you, Your Honor. No
20 further questions.

21 THE COURT: You may step down.

22 (Witness excused.)

23 THE COURT: Ladies and Gentlemen, we're
24 going to take our lunch break now. It's about
25 12:04. Why don't you plan on coming back at 1:30.

1 So the jury is excused. The jury may
2 depart the courtroom.

3 (WHEREUPON, the jury was excused for
4 lunch, after which the following proceedings were
5 had in open court, as follows:)

6 THE COURT: Please be seated. The jury
7 is out of the courtroom now. We'll wait for
8 Mrs. Lewis to return (indicating clerk).

9 Okay, Mrs. Lewis has returned to the
10 courtroom.

11 There are a couple items I want to bring
12 up with the parties during the course of the
13 testimony of one witness. Ms. Burchette, she had an
14 objection to certain parts of the exhibit being
15 admitted. And then she proceeded to start going
16 through the document page-by-page-by page.

17 At the final pretrial conference, I
18 suggested that counsel should sit down and talk to
19 each other and see what they actually had objection
20 to and what they did not have objections to. I did
21 not make those remarks just to exercise my voice. I
22 made that statement so what happened today would not
23 happen. The jury is sitting and watching while one
24 of the attorneys is going through a multi-page
25 document trying to decide what, if any, of the pages

1 there was an objection to. That was a waste of the
2 jury's time and it was a waste of the Court's time.

3 I trust that's not going to happen
4 again. There's nothing wrong with making
5 objections. But those documents have been in your
6 hands for quite sometime. You know what's in there
7 and what's not in there. If you object to
8 something, you ought to be able to state exactly
9 what you object to. That should have been written
10 down. You should not be going through a document in
11 front of a jury trying to see what's objectionable
12 and what is not objectionable.

13 So let's make sure that does not happen
14 again. Use the lunch hour. There will be other
15 exhibits admitted. If you have some objections,
16 then decide what you're going to object to. That
17 should not be done in front of the jury.

18 For the Plaintiffs, your goal is
19 appropriate. There's nothing at all wrong with
20 trying to establish a policy, a custom, or a
21 decision by a decision maker. That is highly,
22 highly appropriate. You may want to take a look at
23 the case law to see how you go about doing that. I
24 don't think you can establish that by calling
25 haphazard witnesses. I think you'll run into some

1 obstacles there. I think you want your case to move
2 smoothly without all these interruptions by the
3 Defense, and then by the Court asking questions.

4 So I think if you just focus on your
5 objective, your case is going to be able to proceed
6 a lot more smoothly and a lot more persuasively.
7 The jury's getting lost. You ask a question, then
8 the next 15 minutes we're talking about something,
9 then you ask another question. The jury is trying
10 to decide, well, what happened before.

11 So why don't we take a look at this
12 during the lunch hour and see if we can not address
13 both of those points when the Court is ready. We'll
14 see you at 1:30.

15 (Lunch break.)

16 THE COURT: Call your next witness.

17 MR. COLLINS: Your Honor, at this time
18 the Plaintiff would read from the deposition of Jay
19 Yeager. And we have Travis Norman, our law clerk,
20 to read Mr. Yeager's portion.

21 THE COURT: Okay. Mr. Norman, please
22 come forward.

23 MR. COLLINS: Your Honor, we have a copy
24 of the deposition if Your Honor would like to follow
25 along. And I can pass that up to you if you'd like.

1 THE COURT: That's okay for the Court.

2 MR. COLLINS: Thank you.

3 THE COURT: Ladies and Gentlemen, before
4 a trial commences in court, the parties engage in
5 gathering evidence. This process is called
6 discovery, and one of the methods of discovery is
7 taking a deposition. A deposition is the sworn
8 testimony of a witness given under oath before the
9 lawyers for the parties. And the rules permit that
10 that deposition testimony can be admitted into
11 evidence at the trial. So, it would be just as if
12 the witness was testifying before you.

13 The witness for some reason is not here,
14 so the lawyers are having an employee of their
15 office take the part of the witness to read what the
16 witness said out of court at the deposition. You
17 should treat this deposition testimony just as if
18 the witness was here before you testifying.

19 The same rules apply with regard to
20 deposition testimony. Someone can object to it and
21 the Court will rule on it, just as if the witness
22 was here before you testifying.

23 So, this is deposition testimony you're
24 hearing. This is the first time you've heard it.
25 There may be other occasions in the proceedings in

1 this trial where there will be other evidence from
2 deposition or other discovery. As I said, there are
3 other types of discovery, this is just one type.

4 Counsel.

5 (WHEREUPON, the deposition of Jay
6 Yeager was conducted by Mr. Richard Collins and,
7 THEREUPON, excerpted portions were read in open
8 Court as follows:)

9 * * *

10 **JAY YEAGER,**

11 was previously called as a witness, and after having
12 been duly sworn, testified as follows:

13
14 EXAMINATION

15 QUESTIONS BY MR. COLLINS:

16 Q. Mr. Yeager, of course, my name is Richard
17 Collins. I represent Gail Harness in this lawsuit.

18 A. Yes.

19 Q. And you're currently the County Law Director
20 for Anderson County?

21 A. Yes, sir.

22 Q. How long have you been the County Law
23 Director?

24 A. September of 2006.

25 MR. COLLINS: Move to Page 6, Line 10.

1 BY MR. COLLINS:

2 Q. You know, it's no secret why we're here
3 today, you know.

4 A. Yes, sir.

5 Q. All told, do you know how many women came
6 forward and accused Jones of sexual harassment?

7 A. No.

8 Q. It was quite a few, though, right?

9 A. You know, sexual harassment is kind of hard
10 to define. It's relative. There was different
11 levels of accusations. I didn't take the statements
12 myself, but it seems like maybe -- again, there was
13 maybe four women, maybe more that made statements.
14 I don't know if you characterize them as sexual
15 harassment.

16 Q. I characterize sexual harassment as any
17 unwelcomed sexual conduct or sexual advances made
18 personally.

19 A. Yeah.

20 Q. But, you know, I'm really just trying to
21 get -- you know, according to Kim Whitaker, there
22 was eight victims of Jones?

23 A. Kim knows. I don't know if I would call
24 them "victims" either. I mean, there might have
25 been eight women come forward that said various

1 things. I know one lady he grabbed around the
2 waist. He made some offhand comments to some
3 ladies. One of them was interview questions. Then
4 Harness was some Snapchat texts I guess you would
5 call those. I'm not familiar with that app too
6 much. I don't use anything like that.

7 Q. If you wouldn't call them "victims", what
8 would you call them?

9 A. Accusers.

10 Q. Accusers?

11 A. Yeah.

12 Q. Do you have an opinion as to whether or not
13 what they were saying was true?

14 A. I didn't witness any of the stuff. I mean, I
15 believe what they say. They were under oath, the
16 ones that took statements.

17 Q. So, in other words, you don't have any reason
18 to believe that these people, that these women were
19 lying --

20 A. No, I certainly don't.

21 UNIDENTIFIED SPEAKER: Were all lying.

22 BY MR. COLLINS:

23 Q. That's correct. Let's do it again.

24 So, in other words, you don't have any
25 reason to believe that these people, that these

1 women were all lying?

2 A. No, I certainly don't.

3 Q. Thank you.

4 Page 10, Line 8. So, when was the first
5 time any kind of misconduct by Jones was brought to
6 your attention?

7 A. I guess it would have to be when Russell
8 Bearden, he e-mailed me about some inappropriate
9 interview questions that Jones had said to another
10 lady. I don't even know her name. And I don't
11 think I would characterize it as harassment, maybe
12 stupid, probably the best.

13 Q. Well, he says he likes to watch women eat
14 yogurt.

15 A. Yeah.

16 Q. Which implies quite a bit, I think. At least
17 it does to me.

18 A. I understand. Wasn't there something about
19 where you go to church; are you married? I don't
20 know. It was something like that.

21 Q. Yeah, inappropriate stuff.

22 And you recall that that was probably the
23 first time you heard about Jones engaging in some
24 kind of --

25 A. Yes, sir, I think that's correct.

1 Q. And I'll represent to you just based on the
2 record that we have, that's probably -- that's
3 probably in May of 2015, or sometime in 2015; is
4 that about right?

5 A. That's reasonable, yes.

6 Q. Okay. Let me show you something that Russell
7 Bearden said and I don't understand.

8 MR. COLLINS: Here, Your Honor, the
9 exhibit was -- that we're referring to is Exhibit 5,
10 and I'm going to pull that up at this time.

11 MR. KNIGHT: Your Honor, I would just
12 interpose an objection as to if Mr. Bearden's coming
13 tomorrow, then he should be the one to testify to
14 this.

15 THE COURT: And so what's the objection,
16 then?

17 MR. KNIGHT: Hearsay.

18 MR. COLLINS: Your Honor,
19 this -- what -- as to the hearsay objection, as Your
20 Honor knows, we had a meet and confer, and the
21 parties did that. We did it twice, in fact. We met
22 and conferred. And we developed a joint report that
23 we submitted to the Court, and that is docket entry
24 115. And nowhere was there a hearsay objection to
25 this exhibit, rather, the objection was to

1 relevance.

2 Now, at this deposition, this is an
3 affidavit of Russell Bearden where he goes into
4 detail about some of the allegations --

5 THE COURT: Is this Mr. Bearden an
6 employee of the Defendant?

7 MR. COLLINS: Absolutely. He was
8 Director of Human Resources at the time.

9 THE COURT: Is he still an employee of
10 the Defendant?

11 MR. COLLINS: No.

12 THE COURT: He's not now?

13 MR. COLLINS: He's not now.

14 THE COURT: Was he at the time he gave
15 the deposition?

16 MR. COLLINS: He was -- at the time of
17 this affidavit, that is Russell Bearden's, he was,
18 in fact, the Director of HR.

19 THE COURT: Mr. Knight, why is that not,
20 then, a statement of a party opponent?

21 MR. KNIGHT: Okay. I'll -- if he's
22 going to have Jay or Mr. Yeager testify, that's
23 fine. I'll withdraw it.

24 THE COURT: Okay.

25 MR. COLLINS: And Ms. Lewis -- you're

1 not Ms. Lewis. My apologies. Okay. It's up here.
2 Okay. This is our Exhibit 5, which we've moved into
3 evidence, Your Honor. We move Exhibit 5 into
4 evidence.

5 THE COURT: It's admitted.

6 (WHEREUPON, a document was marked as
7 Exhibit Number 5.)

8 BY MR. COLLINS:

9 Q. Okay. Exhibit 5 to Kim Whitaker's deposition
10 is this affidavit that Russell Bearden authored and
11 signed. Have you seen it before?

12 MR. KNIGHT: Jay's deposition.

13 MR. COLLINS: Sorry. There's some
14 confusion, because this exhibit was a different
15 number at the time of this deposition. And so I'm
16 going to call it Exhibit 5 instead of Exhibit 18.

17 MS. BURCHETTE: I'm curious. You have
18 depositions coming in.

19 MR. KNIGHT: You said --

20 MR. COLLINS: That's what -- that's how
21 I described it in the transcript. Sorry about that.
22 I'll start over. Page 11, Line 21.

23 BY MR. COLLINS:

24 Q. All right. Exhibit 5 is an affidavit that
25 Russell Bearden authored and signed. Have you ever

1 seen it before? I'm not going to be quizzing you
2 on it. I just want to know if you --

3 A. I can't -- probably. I can't remember.

4 Q. Right.

5 A. I remember some of these facts, yes, sir.

6 Q. Yeah. And he's talking about Angela Brown,
7 the one that reported the yogurt thing, I think.

8 A. I'm not even sure of the name, sir.

9 Q. But here's what I really want to ask you.

10 Bearden says here that he took this complaint
11 against Jones to the mayor, and she said, "There's
12 nothing I can do about Jones' behavior."

13 Did you see that part where he says that?

14 A. Yeah, I think he told me that.

15 Q. And then he goes on to say, Bearden
16 does, "Mayor Frank specifically told me not to
17 contact the law director, because he would do
18 nothing but cause a political storm."

19 A. I don't know where she gets that. That's not
20 the way I handle cases at all.

21 MR. COLLINS: Page 14, Line 10.

22 BY MR. COLLINS:

23 Q. Okay. All right.

24 Now, at some point, you know, you did become
25 involved in the allegations or at least the

1 investigation of Harness' allegations, right? If
2 that's not true, just tell me.

3 A. I knew about it and I gave them directions.

4 Q. And you were directing the HR Department?

5 A. I told them what I thought they should do.
6 They brought it to me and explained the facts. And
7 I said, "Get her out of the work environment
8 immediately. Get some sworn statements." I told
9 Mr. Bearden to make sure Kim was with him to take
10 the sworn statements. I got him a court reporter.
11 He did that.

12 Q. At some point did you consider filing an
13 ouster suit?

14 A. Not really.

15 Q. Why not?

16 A. The case wasn't that strong.

17 Q. You're telling me that all these women that
18 came forward with similar allegations, one of sexual
19 harassment, two that they feared for their jobs,
20 that you believed, you've told me you believe them,
21 that none of that rose to the level of an ouster
22 suit?

23 A. Right.

24 Q. Okay. And did you consult with anyone else
25 to make that determination?

1 A. Yes.

2 Q. Okay. Who would you have consulted with?

3 A. I spoke with the DA about the case. I told
4 him what had been said. I told him my thoughts
5 about the case; spoke with Judge Elledge about the
6 case; I spoke with County Commissioners; I spoke
7 with CTAS, County Technical Assistant Service; I
8 spoke with the State Attorney General's Office.

9 Q. Would these have been verbal conversations or
10 in writing or what?

11 A. Verbal.

12 Q. Okay. So there's no record of these
13 conversations?

14 A. There's probably -- I did a resolution at the
15 request of the County Commissioners. There's a
16 record of that, sir.

17 Q. Sure, right. But I'm talking about ouster,
18 discussions of bringing an ouster suit.

19 A. Oh, my discussions weren't specifically about
20 ouster. They were about the case and the options.

21 Q. You know, going back to the Angela Brown, the
22 yogurt incident. Mr. Bearden has stated in
23 affidavit that when he talked to Jones about it,
24 Jones blew him off basically saying, "I can do
25 whatever the hell I want to. In fact, I can just

1 start masturbating right now."

2 A. Yes, sir, I heard that statement.

3 Q. Okay. And, you know, so at some point you
4 would have to think, I would think anyway, "I've got
5 a problem on my hands. We've got a rogue elected
6 official," right?

7 A. I don't know if I ever said, "A rogue elected
8 official." I did advocate training for Mr. Jones.
9 And he -- Mr. Bearden set some training up. My
10 recollection is he refused to go and he took a CTAS
11 online sexual harassment kind of generic type.

12 Q. Perfunctory thing?

13 A. Yes.

14 Q. Right. I mean -- but so, I mean, you're
15 aware that all this time -- I mean, you know, he's
16 getting these sexual harassment complaints. He's
17 recalcitrant. He's saying he's not going to do a
18 damn thing. He's not complying with what you're
19 asking him to do training-wise. In fact, he doubles
20 down and says, you know, "I can masturbate in my
21 office if I want to."

22 A. That wasn't progressive. That all happened
23 right at one time, the Brown case, and she was gone.

24 Q. Right.

25 A. She resigned at that point. She was gone.

MR. COLLINS: Page 18, Line 21.

BY MR. COLLINS:

Q. You agree with me the County Commission can't bring an ouster suit, can they?

A. No.

Q. You would have to do it?

A. Myself.

Q. Or the DA?

A. The DA or citizens can bring it. I want to say the State Attorney General can, but those are usually the options that you see.

Q. And you're telling me you did at some point at least give it thought, or it was never really a serious --

A. I gave it thought.

Q. Okay. Did you research it?

A. I'm sure I -- I looked at the law.

Q. Yeah.

A. I'm familiar with that statute and the process.

Q. And constitutional provisions, as well, right?

A. Yes, sir.

Q. And did you -- have you ever brought an ouster suit before?

1 A. No.

2 MR. COLLINS: Page 21, Line 6.

3 BY MR. COLLINS:

4 Q. But, you know, if you filed an ouster suit,
5 then you can seek for temporary suspension. That's
6 pretty much a matter of right that once you file,
7 you can ask the judge to --

8 A. You can ask the judge, but you're going to
9 have to have evidence that he's an immediate threat.

10 Q. Right. Okay. You've got lots of statements
11 and you know this guy is saying --

12 A. The issue, Mr. Collins, is I had removed all
13 these women from the workforce. We have actually --
14 from the work environment. HR had gone and met with
15 each of the ladies that remained in the work
16 environment to determine if there were anymore
17 ladies that were not coming forward or concerned
18 about coming forward. I wanted to make sure that
19 everyone that could be a potential accuser, a
20 potential victim was removed from that work
21 environment, and we did that.

22 MR. COLLINS: 22, Line 15.

23 BY MR. COLLINS:

24 Q. Well, you didn't say it, but you said you
25 removed the victim. Why not remove the harasser?

1 A. These --

2 Q. Why -- I'm just asking. Why not remove the
3 harasser?

4 A. The case didn't come to that level.

5 Q. What kind of case would you have to have to
6 come to the level?

7 A. You would have to have an immediate threat of
8 continued sexual harassment, and these cases were,
9 again, very few of them even worked there. None of
10 them worked at that point. None of them worked with
11 him, other than Harness. She was placed in a
12 comparative position. In fact, she went home and
13 was paid her full salary at home for several months.

14 MR. COLLINS: 24; 11.

15 BY MR. COLLINS:

16 Q. Look, when you have multiple reports of
17 sexual harassment against someone, an employee,
18 okay. We'll call them an employee for now. You
19 know, you can either remove the employees who are
20 complaining, like what happened, or you can fire,
21 discipline or do something about the harassment.
22 And here the County chose to remove the victims as
23 opposed to dealing with the harasser. Is that true
24 or not?

25 A. Well, first of all, you said -- we can't

1 discipline an elected official. There's no --

2 Q. Okay.

3 A. There's no mechanism for disciplining an
4 elected official. They answer to their
5 constituents, to the County voters. There's no
6 process there other than censuring.

7 Q. And that is in essence what I'm trying to get
8 at is that --

9 A. I'm glad you understand that.

10 Q. And the measure you took, instead of
11 disciplining or moving forward --

12 A. That was off the table.

13 Q. Off the table. You can't do that, right?

14 A. Yes, sir.

15 Q. You can do an ouster suit. But in your mind
16 it didn't rise to that level, even though you're
17 removing women to protect them, right? I mean, it
18 rose to that level.

19 A. Remove one lady, the only one that remained
20 as an employee.

21 MR. COLLINS: 26; 25.

22 BY MR. COLLINS:

23 Q. Okay. But the bottom line is the reason she
24 was removed from under his supervision as opposed to
25 him being fired, because there's a lot of people

1 that get fired for a lot less than he did?

2 A. We can't fire him.

3 Q. Unless you bring an ouster suit.

4 A. I mean, again, if there's evidence to support
5 that and it's successful in court, he could be
6 removed. And he could be removed by a circuit court
7 judge if he wanted to.

8 MR. COLLINS: Thank you. You may step
9 down. Thank you.

10 THE COURT: Cross-examination.

11 MR. KNIGHT: No, Your Honor.

12 THE COURT: Thank you, sir.

13 (WHEREUPON, the reading of the
14 deposition of Jay Yeager was concluded.)

15 MR. COLLINS: Your Honor, if the Court
16 please, we would call our second deposition, and we
17 would have our other law clerk, Natalie Batiste
18 (phonetic) read -- this is the deposition of
19 Kimberly Jeffers-Whitaker.

20 MS. BURCHETTE: She's outside.

21 MR. COLLINS: Still a party deposition.
22 And under Rule 32, we can read it. We're an adverse
23 party to Ms. Whitaker.

24 THE COURT: And what's her position?

25 MS. BURCHETTE: She's right outside,

1 Your Honor.

2 MR. COLLINS: She's the HR Director.

3 THE COURT: I didn't ask that. I asked,
4 "What's her position?"

5 MS. BURCHETTE: She's present and can
6 testify. If he wants to impeach her with her
7 deposition, impeach her. But she is present here
8 under their subpoena.

9 MR. COLLINS: Rule 32 is clear, Your
10 Honor --

11 THE COURT: Counsel, one at a time,
12 please. When the Court speaks, I expect everyone to
13 remain silent. When the Court finishes -- the Court
14 understands what's being said. The Court
15 comprehends what is being said. The Court is trying
16 to clarify something with one counsel. So it does
17 not help when someone else speaks. So let me finish
18 with Ms. Burchette.

19 MR. COLLINS: I apologize, Your Honor.

20 THE COURT: Ms. Burchette, I asked you
21 what position this witness holds?

22 MS. BURCHETTE: Oh, I'm sorry, Your
23 Honor. I thought you were asking a different
24 question. She is the current HR Director for
25 Anderson County.

1 THE COURT: So she is a high-level
2 employee of the Defendant?

3 MS. BURCHETTE: Yes.

4 THE COURT: And don't the rules of
5 evidence say that the other side can introduce
6 statements, out-of-court statements of
7 representatives of the party opponent?

8 MS. BURCHETTE: I believe it does, Your
9 Honor. But I also thought the rules stated that for
10 deposition testimony, a witness has to be
11 unavailable.

12 THE COURT: Where does it say that in
13 the rule?

14 MS. BURCHETTE: I believe it was 832,
15 Your Honor, but I may be wrong. It may be Federal
16 Rules of Evidence.

17 Excuse me, Your Honor, it's 804(b)(1).

18 THE COURT: 804(b)(4)?

19 MS. BURCHETTE: I'm looking, Your Honor.
20 (b)(1). It would be former testimony.

21 THE COURT: I think Rule 801(b)(2)
22 trumps that.

23 MS. BURCHETTE: Okay. Yes, Your Honor.

24 THE COURT: Proceed.

25 MR. COLLINS: Thank you, Your Honor.

1 MS. BURCHETTE: Mr. Collins --

2 MR. COLLINS: So there are actually two
3 depositions of Ms. Whitaker. We'll read in
4 succession. The first is from August 5th, 2019.
5 It's a little shorter.

6 May I proceed, Your Honor?

7 THE COURT: You may.

8 (WHEREUPON, the deposition of Kimberly
9 Jeffers-Whitaker was conducted on August 5th, 2019
10 by Mr. Richard Collins and, THEREUPON, excerpted
11 portions were read in open Court as follows:)

12
13 * * *

14 **KIMBERLY JEFFERS-WHITAKER,**
15 was previously called as a witness, and after having
16 been duly sworn, testified as follows:

17
18 EXAMINATION

19 QUESTIONS BY MR. COLLINS:

20 Q. Would you please state your full name for the
21 record.

22 A. Full name?

23 Q. Yes.

24 A. Kimberly Dawn Jeffers-Whitaker.

25 Q. So you go by?

1 A. Kim.

2 Q. Well, that seems a little informal. But how
3 about I just call you Ms. Whitaker. Is that fine?

4 A. That works as well.

5 Q. Okay. You're Director of HR for Anderson
6 County?

7 A. Correct.

8 Q. Okay. You're the Director of HR for Anderson
9 County?

10 A. Correct.

11 Q. When did you take on that position?

12 A. December of '17.

13 Q. All right. And what position did you hold
14 before you became director?

15 A. Deputy Director.

16 Q. And who was the Director when you were Deputy
17 Director?

18 A. Russell Bearden.

19 Q. And how long were you Deputy Director?

20 A. From '16 to '17.

21 Q. Did you work for the County prior to '16?

22 A. I started in 2015.

23 MR. COLLINS: Page 9, Line 1.

24 BY MR. COLLINS:

25 Q. All right. Tell me about your involvement

1 with Gail Harness. When did you first learn that
2 she had a harassment complaint against William
3 Jones?

4 A. It would have been in 2017, probably.

5 MR. COLLINS: Page 17, Line 5.

6 BY MR. COLLINS:

7 Q. When was the first time that you were made
8 aware of any problems with William Jones and his
9 treatment of his employees?

10 A. Probably when I was made aware of Gail's
11 complaint?

12 Q. Are you aware of a complaint brought in 2014
13 shortly after he took office by Nicole Lucas?

14 A. I have been notified that there was one, yes.

15 Q. How were you notified of it?

16 A. I learned after-the-fact, even after the
17 sworn statements.

18 Q. The sworn statements being the ones --

19 A. In '17.

20 Q. In this case?

21 A. Yes.

22 Q. Okay. Do you know why you were never told
23 about it prior to that time?

24 A. Probably because it was prior to me.

25 Q. But you got there in '15, right?

1 A. Yes.

2 Q. Okay.

3 A. May of '15.

4 Q. All right. Have you ever gone to look for
5 her written complaint?

6 A. Yes.

7 Q. And were you able to find it?

8 A. No.

9 Q. And where did you look?

10 A. Her personnel file. It's the only place I
11 had to look.

12 Q. Do you know why it wasn't there?

13 A. No.

14 MR. COLLINS: 25.

15 BY MR. COLLINS:

16 Q. All right. Do you know who Cathy Best is?

17 A. Yes.

18 Q. Do you recall her being HR Director at any
19 point?

20 A. I know that she was. It was before my time.

21 Q. Before your time.

22 In 2015, I understand there was a complaint
23 brought by Angela Brown against Jones. You were
24 there in 2015. Do you remember that complaint?

25 A. That was prior to me being there.

1 Q. Okay. This is the complaint from the young
2 lady who said she had lunch with him in his office,
3 and he made a very inappropriate comment about
4 yogurt. Do you remember that?

5 A. I recall the statement that you're
6 referring -- or speaking of, yes, sir.

7 Q. Do you know what investigation was performed?
8 Well, let me back up.

9 I know you have not actually laid eyes on
10 Nicole Lucas' complaint. You couldn't find it.
11 But are you aware of any investigation or anything
12 that was done with respect to Lucas' complaint?

13 A. I am not aware.

14 Q. Okay. Now, fast-forward to Angela Brown in
15 2015. Are you aware -- let me ask you this: Do you
16 know what, if anything, the County or the HR
17 Department did in response to that complaint?

18 A. I wasn't there during that time.

19 Q. So you don't know?

20 A. So, I can't speak to anything positive.

21 Q. When was the first time that you learned
22 about Angela Brown's complaint?

23 A. It was not long after I was there, but I
24 don't recall being part of those conversations.

25 Q. Do you recall at any point during that

1 timeframe Mr. Bearden meeting with Mr. Jones about
2 it?

3 A. I don't recall.

4 Q. Do you recall during that timeframe any
5 retraining performed by the HR Department with
6 respect to reporting sexual harassment or sexual
7 harassment in general?

8 A. Explain that a bit. To who? To Jones or
9 everybody?

10 Q. To everyone.

11 A. You're talking about the policy update
12 training that was conducted?

13 Q. I don't know that there was any. I've not
14 seen that. So I'm asking you, was there?

15 A. Yes.

16 Q. Okay. And what did the policy update pertain
17 to?

18 A. There was several of them.

19 Q. Well, what I'm asking you is --

20 A. There was one on harassment.

21 Q. And when was that?

22 A. I'm thinking it was in 2016 or '17.

23 Q. All right. And was this a training that
24 everybody would have gone to?

25 A. Yes.

1 Q. Okay. And, again, as long as they went?

2 A. Correct.

3 MR. COLLINS: Page 24; Line 22.

4 BY MR. COLLINS:

5 Q. And who is General Clark?

6 A. Dave Clark.

7 Q. The attorney, the district attorney?

8 A. Yes.

9 Q. And what did y'all talk about at that
10 meeting?

11 A. Ensuring that Anderson County was doing our
12 role.

13 Q. To protect the employees.

14 A. And the County; to protect everyone.

15 Q. Were you more concerned about protecting the
16 county or the employees?

17 A. My job as the HR Director, I'm on the human
18 side of things, so the employees.

19 Q. With all due respect, I don't think that
20 answers my question.

21 A. The employees.

22 Q. Okay. All I heard was, "The human side of
23 things."

24 Did you talk about what needed to be done?

25 A. Ensuring that we were doing what statute

1 required and what our policy required us, and to see
2 if there was anything that he needed from us.

3 Q. What is your understanding of what the
4 statute requires?

5 A. That we report things in a timely manner, and
6 mostly, that our policy requires, as well as any
7 discrimination or -- what was it in -- the State of
8 Tennessee passed the healthy workplace bill.
9 Ensuring that we were following everything that we
10 were supposed to do.

11 Q. Do you -- is it your understanding or opinion
12 that as a public employer, you -- the law doesn't
13 require you to take any kind of remedial or
14 corrective action in response to harassment
15 complaints?

16 A. You will have to ask that again.

17 Q. So I'm just wondering, you know, it's one
18 thing to have policies in place.

19 A. Uh-huh (affirmative).

20 Q. But if you don't execute them, you've got
21 problems. And when you find that there's been a
22 violation of any discrimination or any harassment
23 policy, I'm still lost on what you guys do about it
24 whatsoever --

25 A. So do you have --

1 Q. -- when it involves an elected official.

2 A. Don't you have a copy of our policy?

3 Q. Yeah, but that obviously wasn't --

4 A. And it --

5 Q. -- effective in this case?

6 A. And it says what my role is.

7 Q. Right.

8 A. Okay. That when I get through, or what any
9 HR Director gets through, what our role is, what we
10 do, what we report out, when we report out. Okay.
11 So in that, it tells us what we've done. And that
12 was, the HR Department done at the time. Meaning
13 that it was reported. It was reported to the law
14 director and there was different actions after that.

15 Q. Okay. So that's -- we're actually headed
16 where I want to go, okay. I'm not trying to beat up
17 on you here. I'm wanting to know who is responsible
18 for taking corrective action. And you've already
19 told me it's not the HR Department.

20 A. Uh-huh (affirmative).

21 Q. So, is it the law director?

22 A. He is in an adviser role as well.

23 Q. Well, that's really not my question. I mean,
24 who enforces the policy? If you've got a rogue
25 elected official that is just -- is not following

1 the policies, that's creating a hostile work
2 environment. You've got multiple women reporting
3 this hostile work environment. Who can correct it?

4 A. I'm unaware of that answer.

5 Q. You don't know?

6 A. That's correct. I do not know.

7 Q. Okay. That's good enough for present
8 purposes, I guess. Do you find that to be a problem
9 at all?

10 A. Yes.

11 Q. Okay.

12 A. It will take statute, I believe, to change
13 it.

14 Q. Are you aware of the ouster statute?

15 A. Yes.

16 Q. Are you aware -- have you ever seen that
17 carried out?

18 A. No.

19 Q. Do you know why that was not done in this
20 case?

21 A. I don't have knowledge of why it was not.

22 Q. Okay. Do you know who made the decision to
23 put Gail Harness on FMLA leave?

24 A. FMLA?

25 Q. Yeah.

1 A. She would have had to file for that.

2 Q. One would think. But that's what she was
3 told, that she was being put on FMLA leave.

4 A. FMLA leave is the Family Medical Leave Act.

5 Q. Oh, I agree.

6 A. Okay. All right.

7 MR. COLLINS: Page 29; 23.

8 BY MR. COLLINS:

9 Q. Okay. So she goes on leave, whatever we want
10 to call it. And who made the decision to put her on
11 leave?

12 A. The -- that decision came from the law
13 director --

14 Q. Okay.

15 A. -- would be my understanding because Russell
16 Bearden was still the director at that time.

17 Q. And what did you understand to be the endgame
18 there? I mean, put her on leave to do what?

19 A. To protect her.

20 MR. COLLINS: 33; 7.

21 BY MR. COLLINS:

22 Q. Okay. So, what -- I'm going to go back to my
23 original question, which was, what was the endgame
24 in putting Gail Harness on leave? I mean, it was to
25 protect her. I got that. But what was the plan, or

1 was there a plan, for correcting the hostile work
2 environment?

3 A. You would have to ask Russell Bearden.

4 Q. I'm asking you what you understood it to be.
5 And, I mean, surely he had conversations with you.
6 You're the Deputy Director.

7 A. If I was present, he and I did.

8 Q. But y'all didn't have these conversations, or
9 did you?

10 A. As far as an endgame as you're calling it.

11 Q. Uh-huh (affirmative). Maybe that's a poor
12 choice of words. But what I'm really getting at is
13 you put her on leave.

14 A. Uh-huh (affirmative).

15 Q. You talked to a couple of employees sometime
16 well later. There's no systematic interviews of
17 employees going on. I'm wondering what, if
18 anything, the plan was, to correct the hostile work
19 environment?

20 A. I think the Commission also probably
21 addressed that during that meeting and what their
22 request was.

23 Q. But that was in February?

24 A. Correct.

25 Q. Okay. So, I mean, you all just let a hostile

1 work environment continue to fester for five or so
2 months and -- I mean, what was the plan? Well,
3 strike that.

4 Was the plan just to wait for him to get --
5 go through another election and lose?

6 A. Again, you're asking a question that I can't
7 answer.

8 Q. So you don't know what the plan was?

9 A. I wasn't privy to any information. I don't
10 guess.

11 Q. So just like "yes" or "no," if you don't
12 mind, were you -- did you know what the plan was --

13 A. No.

14 Q. -- for fixing the hostile work environment?

15 A. No.

16 MR. COLLINS: 43; 12.

17 BY MR. COLLINS:

18 Q. Are you satisfied as Director of HR with the
19 way Anderson County handled Gail Harness'
20 complaints?

21 A. No.

22 Q. Okay. And tell me why. What would you have
23 liked to have seen done differently?

24 A. I'd like for it to have been a little more
25 systematic, a little more fast moving, and a quicker

1 end result.

2 Q. I mean, end result in my mind was she was
3 placed on leave and then terminated. You know, I
4 mean, what was the result of it? I mean, what would
5 the -- what would you guys have done if William
6 Jones had been reelected? I mean, you're HR
7 Director. And as far as I'm concerned, I think you
8 were HR Director when he was reelected, right?

9 A. When?

10 Q. Bearden. Bearden had already left by the
11 time Jones got --

12 A. Yes.

13 Q. -- ousted?

14 A. Yes.

15 Q. And when I say, "Ousted," I mean --

16 A. Yes.

17 Q. -- he got defeated in the primary.

18 A. Yes.

19 Q. If he hadn't of gotten defeated, if he had
20 gone on to win the election, what would you have
21 done?

22 A. I don't know that answer.

23 MR. COLLINS: This concludes the
24 deposition of August 5th, 2019, and we move to the
25 deposition of February 20, 2020.

1 (WHEREUPON, the reading of the
2 August 5th, 2019 deposition of Kimberly
3 Jeffers-Whitaker was concluded.)

4 THE COURT: Proceed.

5 MR. COLLINS: Thank you, Your Honor.

6 (WHEREUPON, the deposition of Kimberly
7 Jeffers-Whitaker was conducted on February 20, 2020
8 by Mr. Richard Collins and, THEREUPON, excerpted
9 portions were read in open Court as follows:)

10 MR. COLLINS: Page 5, Line 6. Are you
11 ready?

12 MS. BATISTE: Uh-huh (affirmative).

13 BY MR. COLLINS:

14 Q. You go by Ms. Whitaker or Jeffers?

15 A. Whitaker is fine.

16 Q. Okay. Ms. Whitaker, we met before. You've
17 been deposed by me before in this case. I don't
18 have a lot of questions for you. I just want to
19 kind of shore up a few things if that's okay.

20 A. All right.

21 Q. When we met last, we talked some about Nicole
22 Lucas. Do you remember talking about Nicole Lucas?

23 A. Yes.

24 Q. And that she had brought a sexual harassment
25 complaint against William Jones in 2014. Do you

1 recall that?

2 A. I recall us talking about it.

3 Q. Of course you don't -- didn't work at the
4 County at that time?

5 A. I did not.

6 Q. Let's find her letter to you.

7 MR. COLLINS: And at this time, Your
8 Honor, I would move Exhibit 13, our Exhibit 13,
9 which is a letter by Nicole Lucas to Kim
10 Jeffers-Whitaker into evidence. Exhibit 13.

11 THE COURT: Admitted.

12 (WHEREUPON, a document was marked as
13 Exhibit Number 13.)

14 BY MR. COLLINS:

15 Q. Have you ever seen that before?

16 A. Yes.

17 Q. Okay. And that is a letter that you received
18 from Nicole Lucas?

19 A. Yes.

20 MR. COLLINS: Page 10, Line 2.

21 BY MR. COLLINS:

22 Q. What do you remember knowing about Nicole
23 Lucas when you first contacted her?

24 A. That she had filed a complaint.

25 Q. Okay. And of course in her letter she states

1 that it's her understanding that her formal
2 complaint, the one that she submitted in writing can
3 not be found. Is that still the case today?

4 A. I do not have it.

5 Q. Well, have you looked for it?

6 A. I do not have it. And policy, if I'm not
7 mistaken, I do not have it.

8 MR. COLLINS: Page 11; 16.

9 BY MR. COLLINS:

10 Q. Nicole Lucas also says in here that she's
11 aware of another complaint that was filed. She says
12 here at the bottom of the third page -- the bottom
13 of the third page, "I was chosen for the job, and
14 however, three days into taking the position, I was
15 told that Cathy Best, too, had resigned. Russell
16 Bearden had been hired, and upon taking his
17 position, I explained the issue to him regarding
18 William Jones, and that I had received telephonic
19 complaints and a written complaint, in parenthesis,
20 separate from mine, regarding Mr. Jones."

21 Have you ever seen the other written
22 complaint that she's referring to?

23 A. Does it say who she's referring to?

24 Q. No.

25 A. I don't know that, then.

1 Q. Okay. Did you contact --

2 Okay. Did you conduct any investigation to
3 find out who that was; whose complaint she was
4 referring to?

5 A. I don't recall.

6 Q. You don't recall investigating that
7 whatsoever?

8 A. I received that, but I do not recall. At
9 this point, the majority of the paperwork and the
10 documents that I received was then submitted to the
11 law director for his portion of the review.

12 MR. COLLINS: Page 16; 5.

13 BY MR. COLLINS:

14 Q. Okay. Have you ever discussed whether or not
15 the County would proceed with an ouster petition
16 against Mr. Jones?

17 Have you ever discussed that with anyone?

18 A. I know it was part of the discussions early
19 on. But, again, I wasn't part of those discussions
20 primarily. I was the deputy or chief deputy
21 director.

22 Q. Was Russell Bearden still there when there
23 was talk of an ouster suit?

24 A. Yes.

25 Q. To state the obvious, an ouster suit was

1 never brought; is that right?

2 A. To my knowledge it was not.

3 Q. And do you know -- what is your understanding
4 of the reason why it was not?

5 A. I do not have a reason behind it. I don't
6 have any knowledge of why. I was part of those
7 discussions -- I wasn't part of those discussions.

8 Q. No one ever told you?

9 A. No.

10 MR. COLLINS: Page 17; 17.

11 BY MR. COLLINS:

12 Q. Okay. How many total -- I'm calling
13 them "victims", women that came forward whether by
14 request or on their own, how many total were there?

15 A. Six or seven.

16 Q. And in many of the documents that you have
17 authored in this case, you refer to them as Victim
18 No. 1, Victim No. 2. That's how you did it?

19 A. Uh-huh (affirmative).

20 Q. You have to say "yes".

21 A. I'm sorry, yes.

22 Q. Do you have a list -- I know right offhand
23 it's difficult for you to say, okay, "well, Victim
24 No. 1 was so and so; Victim No. 3 was so and so."
25 I'm sure, though, that you have a list somewhere of

1 the names of the victims?

2 A. Yes.

3 MR. COLLINS: And here, Your Honor, we
4 refer to Exhibit 37. And we'd move it into
5 evidence. This is a memo dated August 27, 2018
6 authored by Whitaker -- Ms. Whitaker, the deponent.

7 MS. BURCHETTE: Can I have the
8 deposition --

9 MR. COLLINS: It's the exhibit that is
10 referenced as Exhibit 5 -- or 4. There's three here
11 and I'd have to -- I should be able to tell you.
12 Okay, it's six.

13 (WHEREUPON, a document was marked as
14 Exhibit Number 37.)

15 MR. COLLINS: It looks like it's Exhibit
16 6.

17 THE COURT: Without objection, it's
18 received.

19 MR. COLLINS: That's Exhibit 37.

20 BY MR. COLLINS:

21 Q. This is a memo to the file. It looks like
22 your -- see if you recognize that?

23 A. All right.

24 Q. This memo, is that something you authored?

25 A. Yes.

1 Q. You authored. Excuse me.

2 A. Yes.

3 Q. All right. What -- that's your initials?

4 A. Yes.

5 MR. COLLINS: One moment, Your Honor. I
6 apologize.

7 Okay. I believe it is Exhibit 45 that I
8 need to have moved into evidence.

9 MS. BURCHETTE: The dates don't match
10 based on the dates on the exhibit. Just throwing
11 that out there. And so that's where I was confused.

12 MR. COLLINS: Okay, I apologize. It's
13 sometimes confusing when exhibits don't match. We
14 would move Exhibit 45 into evidence as well.

15 MS. BURCHETTE: Which exhibit are you
16 saying is to the deposition?

17 MR. COLLINS: I believe it's the
18 Exhibit -- I think that's what -- it says Exhibit 6,
19 August 13. I'm not sure. I think that some of
20 these dates are wrong on the deposition.

21 MS. BURCHETTE: Okay. That's why I was
22 getting confused.

23 MR. COLLINS: I know.

24 But we would move Exhibit 45, which is
25 another -- this is the April 13, 2018 -- I'm coming

1 to that one. I'm sorry to waste everyone's time.

2 Okay. We've moved Exhibit 37 into evidence.

3 (WHEREUPON, a document was marked as
4 Exhibit Number 45.)

5 BY MR. COLLINS:

6 Q. All right. This memo, is that something that
7 you authored?

8 MS. BURCHETTE: Which page again are you
9 on?

10 MR. COLLINS: Page 18 now. 19; 1.

11 Ms. Batiste. We're at Page 19, Line 1.

12 THE WITNESS: Yes.

13 BY MR. COLLINS:

14 Q. That's your initials?

15 A. Yes.

16 Q. What does it concern?

17 A. Victim No. 8 was receiving prank calls.

18 Q. And do you know who Victim No. 8 is?

19 A. Yes.

20 THE COURT: Counsel, there's a
21 disconnect between what's showing up on the monitor
22 and what the witness is talking about and what
23 you're talking about.

24 MR. COLLINS: Yes.

25 MS. BURCHETTE: That's not it either.

1 MR. COLLINS: May I have one moment,
2 Your Honor, to figure this out?

3 (An off-the-record discussion was
4 held.)

5 MR. COLLINS: I'll move on, Your Honor.
6 Starting at 19; 2.

7 BY MR. COLLINS:

8 Q. That's your initials?

9 A. Yes.

10 Q. And what does it concern?

11 A. Victim No. 8 was receiving prank calls.

12 Q. And do you know who Victim No. 8 is?

13 A. Yes.

14 Q. Who is that?

15 A. Amy Ogle.

16 Q. Okay. So earlier when we said 6 or 7, now
17 we're up to 8?

18 A. Correct.

19 Q. And again, this isn't a quiz. I know it's
20 hard to recall these things with certitude, but
21 we're up to 8 now, right?

22 A. Correct.

23 Q. Okay. And she's reporting prank calls?

24 A. Correct.

25 Q. Harassing prank calls, right?

1 A. Yes.

2 Q. Okay. Did she tell you who she suspected was
3 behind the prank calls?

4 A. I don't recall.

5 Q. Was it William Jones?

6 A. I think that was her assumption.

7 Q. Okay. And I believe it also says there was a
8 drive-by. Victim No. 2, it says, "I was then
9 notified that there had been more phone calls
10 received, as well as Victim No. 2 receiving calls of
11 a threatening nature." Is that correct? Is that
12 what it says?

13 A. Yes.

14 Q. All right. Was that -- and who is
15 Victim No. 2?

16 A. I'm pretty sure that's Gail. For certain,
17 that was Gail.

18 Q. Again, although it's not said here, I think
19 it's pretty clear from the context that what Gail
20 and Amy Ogle are reporting to you is that they
21 believe it was William Jones who was engaging in
22 this threatening behavior; is that a fair statement?

23 A. I believe that would be a fair statement.

24 Q. Okay. And this memo, is that something that
25 you created on or around the time that you received

1 this information?

2 A. This says June 7th. It was created on
3 June 12th.

4 MR. COLLINS: It's Exhibit 37 that we
5 moved into evidence, as well, Your Honor. And this
6 is the correct memo. And I apologize to everyone
7 for that.

8 THE COURT: There being no objection to
9 the Court?

10 MS. BURCHETTE: Your Honor, I just don't
11 think it's the correct exhibit. This one is not
12 referring to what he's been reading so far.

13 MR. COLLINS: I'm sorry to interrupt. I
14 don't want to take anymore of the Court's time
15 trying to track down the correct exhibit. We'll
16 find it at some point. I'm just going to continue.

17 THE COURT: Okay, very well.

18 BY MR. COLLINS:

19 Q. Okay. And who is Victim No. 2?

20 A. I'm pretty sure that's Gail. For certain,
21 that was Gail.

22 Q. Again, although it's not said here, I think
23 it's pretty clear from the context that what Gail
24 and Amy Ogle are reporting to you is that they
25 believe it was William Jones who was engaged in this

1 threatening behavior. Is that a fair statement?

2 A. I believe that would be a fair statement.

3 Q. Okay. And this memo, is that something you
4 created on or around the time that you received this
5 information?

6 A. This says June 7th. It was created on
7 June 12th.

8 Q. Okay. And why did you create the memo?

9 A. There was a lot of information. This helps
10 me remember what I've done.

11 Q. Okay. So it was something you do to keep an
12 accurate record of things?

13 A. Yes.

14 Q. And that would have gone where?

15 A. That went in a file.

16 Q. Okay. It talks about Sergeant Bradley.
17 What's his involvement?

18 A. Sergeant Bradley was then head of dispatch,
19 so I would contact him. So there would be -- where
20 it says additional drive-bys, that's where I had the
21 Sheriff's Office -- I had coordinated with the SO to
22 do drive-bys of the homes if they didn't feel
23 secure.

24 Q. "S.O." stands for?

25 A. Sheriff's Office.

1 Q. Okay. And did they do those drive-bys?

2 A. Yes.

3 Q. Was -- did you refer this to the law
4 director?

5 A. Yes.

6 Q. And do you know what, if anything, he did
7 with it?

8 A. I have no knowledge of that.

9 Q. Do you know whether this was ever forwarded
10 to the District Attorney?

11 A. I have no knowledge of that.

12 MR. COLLINS: Proceed to Page 25, Line
13 9.

14 BY MR. COLLINS:

15 Q. And who made the decision not to continue her
16 post at the Clerk's Office?

17 A. That would be the newly elected Rex Lynch.
18 Circuit Court Clerk, Rex Lynch.

19 MR. COLLINS: Proceed to Page 38, Line
20 9.

21 BY MR. COLLINS:

22 Q. Okay. And of course, the only reason Gail
23 Harness was on administrative leave was because she
24 came forward with her complaint, correct?

25 A. She was placed on administrative leave to my

1 knowledge because Bearden was the director at that
2 time. She was placed on administrative leave after
3 she made the complaint, correct.

4 Q. Right. So, I mean, does that seem fair to
5 you that someone who reports sexual harassment is
6 put in this position where her livelihood is in
7 jeopardy, she's taken out of work, and offered
8 positions as a correctional officer?

9 I mean, I'm just asking you as a human being
10 if you think she was treated fairly in that regard.

11 A. All I can speak to is that I did my very
12 best, not just as a correctional officer. I hold
13 those officers -- all positions under the S.O. in
14 very high regard. And -- but she was also offered
15 positions at the Health Department that I helped
16 facilitate. And I submitted her resume any time I
17 felt like there was something within Anderson County
18 that she was -- her position fit.

19 Q. But, I mean, what I'm getting at is probably
20 more general than that. I mean, I know your hands
21 are tied. I'm asking you, did you think it was fair
22 the way she was treated after she reported?

23 I'm asking you subjectively whether or not
24 you think she got a raw deal.

25 A. I think that not just Gail got a raw deal.

1 Q. Okay. A lot of people got a raw deal?

2 A. That is correct.

3 Q. A lot of his victims got a raw deal?

4 A. Correct.

5 MR. COLLINS: 41; 19.

6 BY MR. COLLINS:

7 Q. She was wanting to get back to the Clerk's
8 Office; is that your understanding?

9 A. That's my understanding.

10 Q. I mean --

11 A. Or, like, position?

12 Q. Right. And to you, is that a reasonable
13 thing? I mean, she reports sexual harassment and --
14 well, let me back up.

15 I don't think there's anyone -- I don't know
16 that the County -- I still have yet to figure out
17 all the defenses that the County intends to bring
18 in this case. A lot of it is just sort of mind
19 boggling to me. I mean, you don't claim, do you,
20 that Gail was not truthful about her sexual
21 harassment complaints, do you? I mean, all these
22 women aren't lying.

23 A. I feel like all these women definitely show a
24 pattern.

25 Q. Of?

1 A. Of misconduct, yes.

2 Q. When you say that they engaged in misconduct
3 -- were you saying that they engaged in misconduct?

4 A. No.

5 Q. That they're reporting. You have no reason
6 to believe that these women are just lying?

7 A. I do not.

8 Q. Okay. And do you know if it's the County's
9 position that Gail, you know, that it didn't rise to
10 the level of hostile work environment or anything
11 like that? Have you ever --

12 A. I have not been told that.

13 Q. Okay.

14 A. I think the County showed the opposite of
15 that during the County Commission meeting.

16 Q. The County showed that there was, in fact, a
17 hostile work environment?

18 A. That there was issues, misconduct.

19 Q. Yeah. And the meeting that you're referring
20 to is which County Commission meeting?

21 A. February of '18.

22 MR. COLLINS: Proceed to page 47; 18.

23 BY MR. COLLINS:

24 Q. Okay. So, when, you know -- how did it come
25 about that all these -- so, there was - who was

1 Victim No. 1?

2 A. Amanda [sic] Brown.

3 Q. You mean Angela Brown?

4 A. Yeah, I'm sorry.

5 Q. And when did Angela Brown come forward?

6 A. It was prior to me working.

7 Q. Okay. So, prior to '15?

8 A. Or maybe it was in '15. It was around that
9 timeframe, I believe.

10 Q. And she was the one -- what was the
11 substance, we've just got a lot on Angela Brown.
12 Let's just go through Victim No. 1 and Angela Brown,
13 for on a second.

14 MR. COLLINS: 49; 4.

15 THE WITNESS: That would be my
16 understanding, but she didn't tell me that.

17 BY MR. COLLINS:

18 Q. It was unwelcomed sexual advances. He made
19 some off-colored comments about yogurt?

20 A. Yes, sir.

21 MR. COLLINS: Page 53.

22 BY MR. COLLINS:

23 Q. Okay. Now give me just a second. I get so
24 confused. Russell Bearden has done various
25 affidavits, and they have been produced in duplicate

1 form multiple times. Can you identify Exhibit 17,
2 which is Exhibit 3 here?

3 A. It is an affidavit that Russell Bearden has
4 submitted and notarized on September 26th of '17?

5 MR. COLLINS: May we pull the exhibit
6 up? We're actually referring to 5, Exhibit 5, which
7 I believe has already been moved into evidence.

8 BY MR. COLLINS:

9 Q. All right. Can you identify Exhibit 5?

10 A. It is an affidavit that Russell Bearden had
11 submitted and notarized on September 26 of '17.

12 Q. And there's an attachment to it, right?

13 A. Yes. The attachment is an e-mail from Angela
14 Brown dated May 5th, 2015 to Russell Bearden
15 regarding William Jones.

16 Q. Okay. So this is Victim No. 1?

17 A. Uh-huh (affirmative).

18 MR. COLLINS: At this time, Your Honor,
19 we would move the e-mail that is referenced here,
20 into evidence, and that's our Exhibit 1, which is
21 the e-mail from Angela Brown to Russell Bearden
22 dated May 5th, 2015. Plaintiff's Exhibit 1 into
23 evidence.

24 THE COURT: Without objection, it's
25 received.

(WHEREUPON, a document was marked as
Exhibit Number 1.)

BY MR. COLLINS:

Q. So, this is Victim No. 1, right?

A. Uh-huh (affirmative).

Q. And the date is May of 2015, right?

A. Correct.

Q. And she's complaining of sexual harassment?

A. She's complaining, correct.

Q. Of sexual harassment?

A. She doesn't state that --

Q. Okay.

A. -- in the document.

Q. She doesn't use the word "sexual harassment"?

A. I don't want to put words in her mouth
either.

Q. But she is complaining of unwelcomed sexual
advances or conduct?

A. Correct.

Q. Okay. And Russell Bearden was Director of HR
at the time he did the affidavit, right?

A. Yes.

MR. COLLINS: Which is our Exhibit 5.
Page 52, Line 1.

BY MR. COLLINS:

1 Q. Okay. Okay. All right. And then I have
2 another affidavit from Mr. Bearden we'll mark as
3 Exhibit 18.

4 MR. COLLINS: Which is our Exhibit 35 in
5 this case, I believe. And we would move Exhibit 35
6 in evidence, another affidavit statement of Russell
7 Bearden report.

8 (WHEREUPON, a document was marked as
9 Exhibit Number 35.)

10 MS. BURCHETTE: No objection, Your
11 Honor.

12 THE COURT: Without objection, it's
13 received.

14 MR. COLLINS: That's Exhibit 35.

15 BY MR. COLLINS:

16 Q. And it also concerns Angela Brown?

17 A. Yes.

18 MR. COLLINS: Line 17.

19 BY MR. COLLINS:

20 Q. Here on the first full paragraph it says he's
21 referring to the prior complaint in May of 2015,
22 sexual harassment complaint, you know. We know
23 we're talking Angela Brown. He doesn't mention her
24 here, but he says he went to Terry Frank. That's
25 the Mayor, right?

1 A. Correct.

2 Q. And he says, "She informed me that there was
3 nothing she could do about his behavior." Is that
4 what it says?

5 A. That's what it says.

6 Q. Okay. Have you ever had any conversations
7 you would have had between you and the Mayor about
8 William Jones?

9 A. No, sir.

10 Q. You haven't?

11 A. No, sir.

12 Q. Okay. Did you ever talk to Russell about
13 what he's saying there that the Mayor told him there
14 was nothing she could do?

15 A. I don't recall.

16 Q. Okay. But you recall -- you've read this
17 affidavit before today?

18 A. Yes.

19 Q. Okay. And you were there when it was
20 notarized, right?

21 A. I notarized it.

22 Q. But, I mean, you knew what he was saying that
23 the Mayor blew him off, right?

24 A. Yes.

25 MR. COLLINS: 54; 21.

1 BY MR. COLLINS:

2 Q. And then he goes on to say -- this is Russell
3 Bearden speaking through this -- through his
4 affidavit. "I told Mayor Frank that this needs to
5 be reported to the County Law Director because of
6 the liability the County could be faced with. Mayor
7 Frank specifically told me not to contact the law
8 director, because he would do nothing but cause a
9 political storm."

10 Did I read that correctly?

11 A. It sounds correct.

12 Q. Okay. Did you ever have conversations with
13 Russell about that fact, that the Mayor had told him
14 not to go to the law director?

15 A. I don't recall.

16 Q. Okay. And according to Russell, the Mayor
17 said it would be like a political circus if he went
18 to the law director, right?

19 A. That's what it says.

20 Q. Okay. Do you find that Russell is a truthful
21 person?

22 A. Yes.

23 Q. So do you have any reason to doubt that the
24 Mayor made these comments to him?

25 A. I don't.

1 Q. Okay. So, just to recap. Angela Brown,
2 which is the last few exhibits we've referenced was
3 Victim No. 1, at least as far as Kim Whitaker is
4 concerned, right?

5 A. Correct.

6 Q. In your list of victims?

7 A. Correct.

8 Q. But, in fact, according to Nicole Lucas, she
9 was a victim, right?

10 A. Yes.

11 Q. And she would have predated Victim No. 1?

12 A. Yes.

13 Q. Okay. And again, according to Nicole Lucas,
14 there were other people that complained, right?

15 A. I believe so.

16 MR. COLLINS: 58; 6.

17 BY MR. COLLINS:

18 Q. Okay. And is it true, in your mind anyway,
19 that more than one of these victims, if not all of
20 them, complained that they felt that they couldn't
21 report it, that they would be retaliated against?

22 A. Ask me again.

23 Q. Is it fair to say that many of the victims,
24 the victims, you know, they complain about the
25 sexual harassment, but they have also said things

1 says like they were scared to come forward?

2 A. Yes.

3 Q. And that's because Jones would say things
4 like, you know, I can do whatever I want. I'm not
5 quoting him here, but that's the gist of it?

6 A. Yes.

7 Q. I don't want to have to go through all of
8 these affidavits to read different quotes, but the
9 bottom line is, he made it known that the Clerk's
10 Office was like his little victim, and he was going
11 to do whatever the "H" he wanted to; is that a fair
12 statement?

13 A. Probably.

14 Q. Nobody could stop him?

15 A. He did say that.

16 Q. And at one point you're aware that he
17 actually went so far as to say, and I think this is
18 in one of our exhibits, he told Russell, you know,
19 "Not only can I do whatever the "H" I want, I can
20 sit here and masturbate in my office and nobody can
21 do a "D" thing about it?"

22 A. That is correct.

23 Q. It seems to me as an HR -- I mean, you're
24 familiar with the job duties of the clerk, right?

25 A. Yes.

1 Q. Seems like a pretty serious dereliction of
2 duty or a serious misconduct to say something like
3 that, would you agree?

4 A. Yes.

5 Q. But again, Russell was saying, of course, not
6 according to Exhibit 17, but according to another
7 exhibit, that the Mayor told her that there was
8 nothing she could do, and that he shouldn't go to
9 the law director -- law department because it would
10 just be political?

11 A. But in here also is 18. It says that he
12 eventually did.

13 MR. COLLINS: All right. And line --
14 Page 63, Line 10.

15 BY MR. COLLINS:

16 Q. All right. Let's look at what will be our
17 next numbered exhibit, and if you can try to
18 identify that.

19 MR. COLLINS: At this time, Your Honor,
20 we'd move Exhibit 16, which is an anonymous sexual
21 harassment complaint sent to Russell Bearden on
22 September 7, 2017. It's Exhibit 16, Plaintiff's
23 Exhibit 16.

24 (WHEREUPON, a document was marked as
25 Exhibit Number 16.)

1 MS. BURCHETTE: No objection.

2 THE COURT: Without objection, it's
3 received.

4 BY MR. COLLINS:

5 Q. All right. Let's look at what will be our
6 next numbered Exhibit 16, and if you can try to
7 identify that for me.

8 A. It appears to be something that was sent to
9 Mr. Bearden.

10 Q. Is it -- does it -- it's an anonymous letter?

11 A. In September 7th, 2017.

12 Q. And you have knowledge and complaints of
13 what.

14 A. The same type of misconduct against
15 Mr. Jones.

16 Q. And as we sit here today, do you know who
17 authored that?

18 A. I do not.

19 Q. Still don't know?

20 A. I do not.

21 Q. Okay. Let's go to what will be our next
22 numbered exhibit, and ask if you can identify that
23 for us.

24 MR. COLLINS: And this is Exhibit 34,
25 notes of Whitaker. And we would move Plaintiff's

1 Exhibit 34 into evidence.

2 (WHEREUPON, a document was marked as
3 Exhibit Number 34.)

4 MS. BURCHETTE: No objection.

5 THE COURT: Received.

6 BY MR. COLLINS:

7 Q. And what is the -- what is the gist of what
8 Kaylee Winstead is saying during this meeting that
9 Russell and Stephanie are memorialized?

10 A. So, in this, it speaks to her first encounter
11 with Mr. Jones about an inappropriate text she
12 received. She was -- after that, was hired under
13 the Circuit Court Clerk's Office prior to Mr. Jones'
14 taking office. After he was elected, she claimed
15 she had a job loss due to this, yes.

16 Q. And when you say, "claim to job loss," she's
17 complaining that she was sexually harassed?

18 A. She's complaining of an inappropriate text
19 that she received prior to her working at Anderson
20 County. She was at Gondolier Restaurant.

21 MR. COLLINS: She was working at
22 Gondolier Restaurant.

23 MS. BATISTE: Working at.

24 BY MR. COLLINS:

25 Q. Right. And I think that she says that he --

1 that Jones and his wife had approached them about
2 having a threesome or something?

3 A. Correct. That's what this is.

4 Q. And then, why did she say she lost her job?

5 A. For miscellaneous reasons. Reports that
6 Cathy Best, who was the prior HR Director to
7 Bearden, told her that she had done nothing wrong.

8 Q. So it isn't because she didn't have a
9 threesome with him?

10 A. I don't know that.

11 Q. Okay. But Kaylee doesn't say that she didn't
12 go forward with that -- but Kaylee doesn't say that
13 she didn't go forward with that, right?

14 A. She did not. It says that her husband took
15 her phone and responded on her behalf.

16 Q. Then at some point after that she was
17 terminated?

18 A. After William was -- took office.

19 Q. Right.

20 A. So, nine days after he took office.

21 Q. Did you assign Kaylee a victim number?

22 A. Yes.

23 MR. COLLINS: Page 67; 12.

24 BY MR. COLLINS:

25 Q. Okay. And here is -- we'll mark this as

1 Exhibit 24, again, so we have -- it looks like a
2 note to file, by Russell Bearden.

3 MR. COLLINS: This is Plaintiff's
4 Exhibit 3. We would move Exhibit 3 into evidence,
5 Your Honor.

6 (WHEREUPON, a document was marked as
7 Exhibit Number 3.)

8 MS. BURCHETTE: No objection.

9 THE COURT: Admitted.

10 MR. COLLINS: Let me start again at 67;
11 12.

12 BY MR. COLLINS:

13 Q. And here is -- we'll mark this as Exhibit 3,
14 Plaintiff's Trial Exhibit 3 again so we have a
15 complete record. Looks like a note to file by
16 Russell Bearden?

17 A. Yes. It's dated May 29th of 2015. It's
18 where -- signed by Russell Bearden. It appears it
19 is about the discussion that he had with William
20 Jones regarding comments from Angela Brown.

21 Q. And I think he says he's closing his
22 investigation.

23 A. He is, because he can not get in touch with
24 Ms. Brown.

25 Q. Okay. He's saying that William admits it

1 actually, but says it wasn't sexual harassment?

2 A. Correct.

3 Q. Let's look at an e-mail.

4 MR. COLLINS: And here, the exhibit is
5 Exhibit 42, Plaintiff's Exhibit 42, an e-mail from
6 Jay Yeager to Robbie Holbrook.

7 Plaintiff's Exhibit 42; we would move
8 into evidence.

9 MS. BURCHETTE: No objection.

10 THE COURT: Received.

11 (WHEREUPON, a document was marked as
12 Exhibit Number 42.)

13 BY MR. COLLINS:

14 Q. And you say in there that the Mayor says
15 something about Gail can't be at the senior center?

16 A. It's from Robbie. It was sent on March 19th
17 to me regarding -- this is Harness, sent to Robbie.
18 The e-mail was to Robbie from Jay, is who it was
19 from.

20 Q. And he --

21 A. He's stating that, "I'm trying to place Gail
22 at the senior center, but the Mayor does not want
23 her working there."

24 Q. What was your understanding of -- or do you
25 have an understanding of why the Mayor said she

1 didn't want her working there?

2 A. I don't.

3 Q. No one ever told you that?

4 A. I don't know.

5 Q. Good question for Jay, I guess?

6 A. Yes.

7 Q. And then there was a time, I guess, we talked
8 about threats of retaliation, right?

9 A. Uh-huh (affirmative).

10 Q. We talked about how these victims share
11 several common denominators. One is the reporting
12 of sexual harassment or unwelcomed sexual conduct or
13 advances, right?

14 A. Yes.

15 Q. And they're also reporting that Jones, that
16 they're fearful about coming forward; is that right?

17 A. Yes.

18 Q. And that Jones engages in types of
19 threatening retaliatory behavior; is that correct?

20 A. Yes.

21 Q. And, in fact, we have also talked about how
22 we don't know for sure, but pretty sure it was him
23 who was making prank calls and driving by Amy Ogle's
24 house, right?

25 A. I don't know that, but that -- that's the

1 claim.

2 Q. That was -- that was what was the thought, at
3 least?

4 A. (Nodding head affirmatively.)

5 Q. Is that a "yes"?

6 A. Yes. By the victims, yes.

7 Q. By the victims.

8 And then here we come into March of 2018,
9 and I mean, God bless you, like I said, your hands
10 were tied. But here you're getting reports that
11 he's got a shotgun in the office?

12 A. Yes.

13 Q. So tell me about that.

14 A. I received a call that he had a shotgun in
15 his office, I believe, under the couch.

16 MR. COLLINS: And here, the relevant
17 exhibits are Exhibits 45 and 46, regarding the
18 shotgun, Your Honor. Plaintiff would move 45 and 46
19 into evidence, if they have not already been. And I
20 don't believe they have.

21 MS. BURCHETTE: I mean, we would object
22 as to relevance, Your Honor. I didn't object to it
23 in the deposition.

24 THE COURT: Sustained.

25 MS. BURCHETTE: Thank you.

1 (WHEREUPON, documents were marked as
2 Exhibit Numbers 45 and 46.)

3 BY MR. COLLINS:

4 Q. So his position is that that was a piece of
5 evidence?

6 A. That would be my understanding.

7 Q. But it was under a couch, right?

8 A. That is correct.

9 THE COURT: Counsel, I sustained the
10 objection, so we won't make any reference to a
11 shotgun at all.

12 MR. COLLINS: Thank you, Your Honor. I
13 apologize. Give me one moment, please, Your Honor,
14 I want to make sure that I --

15 Your Honor, may I do an offer of proof?

16 THE COURT: We'll do it at the next
17 recess.

18 MR. COLLINS: Yes, Your Honor.

19 And that is all questions we have for
20 this witness. Thank you, Your Honor.

21 THE COURT: Cross-examination.

22 MS. BURCHETTE: There's none, Your
23 Honor.

24 THE COURT: Thank you. You may return
25 to the spectator section.

1 (WHEREUPON, the reading of the
2 deposition of Kimberly Jeffers-Whitaker was
3 concluded.)

4 THE COURT: Call your next witness.

5 MR. STANLEY: Your Honor, the Plaintiff
6 would call Terry Frank to the stand.

7 (WHEREUPON, the witness was sworn in by
8 the Court Clerk.)

9 * * *

10 **TERRY FRANK,**

11 was called as a witness, and after having been duly
12 sworn, testified as follows:

13
14 DIRECT EXAMINATION

15 QUESTIONS BY MR. STANLEY:

16 Q. Ms. Frank, good afternoon. Can you hear me?

17 A. Yes, sir.

18 Q. You are the Mayor of Anderson County,
19 correct?

20 A. Yes, sir.

21 Q. And you were the Mayor when Jones was elected
22 in 2014?

23 A. Yes, sir.

24 Q. Of course, Gail Harness filed her complaint
25 on August the 9th of 2017, correct?

1 A. I'm just -- from looking at the document,
2 that's not familiar to me.

3 Q. Okay. I'm going to go over this complaint,
4 and then I'm going to find out what the County knew
5 prior to this complaint, either by you or other
6 department heads. Okay. But in her complaint,
7 let's just read some of that.

8 She stated that she has panic attacks coming
9 to work. And I'm just going to read the
10 highlighted portions. "I fear for my job. I know
11 he will continue to retaliate. There are many
12 other rude inappropriate things he has said or done
13 in the past. For instance, he calls himself
14 'Daddy'. He says he has no boss. He calls one of
15 us -- his officer manager 'Daddy's Prissy B'-word.
16 He used to call a previous office manager 'Daddy's
17 B'-word. He will lay his head on the clerk's
18 shoulders. He has grabbed a couple around the
19 waist."

20 Obviously, an investigation was started as a
21 result of this complaint, correct?

22 A. Yes, sir.

23 MR. STANLEY: Your Honor, that's Exhibit
24 7. I don't think it's been moved into evidence.
25 I'd like to move it now.

1 THE COURT: Without objection, it's
2 received.

3 (WHEREUPON, a document was marked as
4 Exhibit Number 7.)

5 BY MR. STANLEY:

6 Q. Would you be surprised that the same day that
7 she filed this complaint, an e-mail was sent to
8 Mr. Jones complaining about her work performance the
9 very same day?

10 A. I can't comment on that. I mean, I'm not
11 aware of that, other than what you're showing me.

12 Q. Have you ever seen this e-mail before?

13 A. I became familiar with all the documents
14 after I requested them from the law director after
15 the County Commission meeting.

16 Q. Okay.

17 MR. STANLEY: I'd like to move this into
18 evidence next, Your Honor. It's Exhibit No. 8.

19 THE COURT: Without objection, it's
20 received.

21 (WHEREUPON, a document was marked as
22 Exhibit Number 8.)

23 BY MR. STANLEY:

24 Q. Now, let me show you a letter. It was
25 drafted by you on March 14th, 2018. And it's my

1 understanding that this letter from you, which
2 appears to be to a Tim Isbel, Chairman of the
3 Anderson County Board of Commissioners, correct?

4 A. Yes, sir.

5 Q. And it looks like it's essentially a list of
6 agendas that you want the County Commission to
7 consider regarding Mr. Jones, correct?

8 A. Yes.

9 Q. Let me -- because, you know, this complaint
10 happened in 2017. We want to know what the County
11 knew about this man beforehand, right, whether it
12 was you or anybody else, right?

13 A. Yes, sir.

14 Q. And you don't want him -- how far did he
15 victimize women, how many women were hurt, that's
16 important to you, correct?

17 A. Yes.

18 Q. Okay. In here, No. N, one of the agenda
19 numbers or items says, "Policies for notification to
20 the County regarding alleged criminal activity by
21 employees, department heads or elected officials."
22 Did I read that correctly?

23 A. Are you asking me what's written here?

24 Q. Did I read that correctly?

25 A. Yes.

1 Q. Okay. And you reference an Exhibit 7. It's
2 an attachment that you've put together, correct?

3 A. Yes, sir.

4 Q. And Exhibit 7 is dated February 1st, 2016.
5 This would be before Ms. Harness' complaint,
6 correct?

7 A. Yes.

8 Q. And these are text messages between you and
9 Mr. Bearden?

10 A. Yes.

11 Q. And the text messages are about the fact that
12 William Jones was under criminal investigation by
13 the Tennessee Bureau of Investigators, correct?

14 A. Well, I don't know that. I mean, Russell
15 just mentioned that he was speaking to a TBI agent,
16 and he made reference to spy stuff. And I was
17 inquiring if that was a rumor or if there was really
18 an agent, and that's why I asked him the name.

19 Q. And who was he spying on allegedly?

20 A. Mr. Jones.

21 Q. Okay. And what was the reason that the TBI
22 wanted Mr. Jones spied on?

23 A. I mean, I don't have any confirmation that he
24 was actually being investigated by the TBI.

25 Q. What did Mr. Bearden tell you as far as the

1 investigation. You're the one asking him about it.

2 Did you ask him what the issues were?

3 A. When he came to my office and mentioned it,
4 he felt like there were pictures of women on his
5 cellphone, but it didn't reference anything to
6 County employees. It was just women.

7 Q. So he's, according to Mr. Bearden, being
8 investigated by the Tennessee Bureau of
9 Investigation, and you really don't know what the
10 investigation was?

11 A. I don't even know that there was an
12 investigation. As you can see in the text message,
13 if you look at the rest of it, and I can't read that
14 on this particular printout. I think there's a
15 second page to this.

16 Q. Well, did you call the TBI agent?

17 A. He never provided a name. He just, as you
18 can see in that text, he just says that the law
19 director referred to him as Jay's blank. And I
20 said, "I would assume that is a private eye."

21 And he says, "No."

22 It's in there, but it's blurry on my screen.

23 MR. STANLEY: We'd like to move the
24 letter with the attachments in as the next exhibit,
25 Your Honor, and that would be Exhibit 14.

1 (WHEREUPON, a document was marked as
2 Exhibit Number 14.)

3 BY MR. STANLEY:

4 Q. Mr. Bearden never communicated to you --

5 THE COURT: Counsel, I haven't ruled on
6 your objection yet.

7 MR. STANLEY: I'm sorry.

8 THE COURT: Your motion yet. There's
9 been no objection.

10 MR. KNIGHT: No. I intend to ask her
11 about it on cross-examination.

12 THE COURT: I'm sorry?

13 MR. KNIGHT: No, Your Honor.

14 THE COURT: There being no objection,
15 the Court admits it.

16 BY MR. STANLEY:

17 Q. Mr. Bearden didn't communicate to you that
18 Jones was bragging about the fact that the tanning
19 salon he owned, he would secretly videotape women
20 naked?

21 That never came up about the TBI
22 investigation?

23 MR. KNIGHT: Objection, Your Honor.

24 THE COURT: Sustained.

25 ///

1 BY MR. STANLEY:

2 Q. Now, we just heard from the deposition of
3 Ms. Whitaker, and she went into detail about Nicole
4 Lucas, correct?

5 You were in here when that testimony was
6 being read?

7 A. Yes, sir.

8 Q. Now, this is a complaint that was done by
9 Nicole Lucas back in like 2014, correct?

10 A. That's what you're showing me, yes.

11 Q. Of course that's several years before
12 Mrs. Harness was hired, correct?

13 A. Yes, I would assume.

14 Q. Let me just read some of this that she states
15 in here. Page 1 --

16 MR. STANLEY: And this is Exhibit 13,
17 Your Honor.

18 BY MR. STANLEY:

19 Q. It was at this time Mr. Jones asked me to
20 step in the back room of the General Sessions
21 Clerk's Office alone. Mr. Jones asked me, "Do you
22 like your job?"

23 I told him, "Yes."

24 "Is your husband a deputy sheriff?"

25 I told him, "Yes," at which, he told me he

1 used to be a Knox County Deputy Sheriff.

2 "How well do you know Tyler Mays?

3 Have you ever had a date with him?"

4 I told him, "Absolutely not."

5 "Have you ever done any favors for him;
6 Tyler?"

7 Mr. Jones then blocked the door leading back
8 into the Clerk's Office, and then asked me, "Were
9 you at the Oak Ridge area campaign for Tyler?"

10 And I said, "Yes."

11 Again, I asked him to move -- go back into
12 the clerk's area to my desk. He did not move, but
13 said, "You look mad. Did I hurt your feelings?"

14 He told me that, "I am good friends with the
15 Mayor, and I brought my wife so she could get
16 decorating ideas, but that's none of your business,
17 because I'm the boss now."

18 Do you remember -- do you know why there was
19 never an investigation in 2014 regarding Nicole
20 Lucas?

21 A. I'm unfamiliar with a complaint by Nicole
22 Lucas. The HR Department, the way County government
23 is, we're not one -- so, like a City is one entire
24 entity. A private business is one entire entity.
25 So the HR Department handles each department

1 separately. If it would have gone to the HR
2 Department, Cathy Best, who was the director at that
3 time, would have handled any of that.

4 So I don't have on any day-to-day
5 basis -- you know, I don't know about the
6 employment issues or complaints that are made
7 within each department in Anderson County
8 government. That doesn't come to me. I don't have
9 any authority over those departments. I only have
10 authority or in the chain of command where County
11 Commission has authorized a department or an
12 appropriation.

13 For instance, animal control. The
14 Commission says, we want to establish an Animal
15 Control Department. And then the Mayor is, in
16 essence -- if you look at the origin of our name,
17 we're a County executive. We execute what County
18 Commission says.

19 So I would have responsibility over those
20 departments where I appoint a supervisor, and then
21 there's a chain of command. So if there were
22 issues, for instance, with EMS, and it was
23 something where HR needed to consult with me or
24 present a final outcome, that would come to me.
25 But separate fee officials like Mr. Jones, that

1 would not come to me.

2 Q. So you were unaware of that complaint?

3 A. Yes, sir.

4 Q. Do you know why that complaint could not be
5 found in her file?

6 A. I do not. I do know that Russell noted -- in
7 fact, he started when he began with Anderson County
8 government, he noted there were numerous missing
9 files. In fact, he did an audit of those.

10 Q. Now, let me show you what's already been
11 moved into evidence. This is the Angela Brown
12 complaint, which is May 5th, 2015.

13 Were you made aware of that complaint?

14 A. Yes, sir, I was.

15 Q. And was there an investigation with other
16 women of whether or not he had sexually harassed
17 them?

18 A. This particular complaint, Russell Bearden
19 was still new. He brought it to me. It was not a
20 complaint that fit the personnel policy of Anderson
21 County government. So, for instance, if you are
22 going to file a complaint, you have to provide a
23 written statement. You have to sign your name.
24 This was actually, Mr. Bearden heard rumor, and he
25 reached out, himself, to Ms. Brown. He brought this

1 to me even though it did not fit the signed
2 complaint process. Even though he reached out to
3 her accord to his letter and said she did not want
4 to come in. She had already left Anderson County
5 government. She did not wish to pursue it. I did
6 encourage Russell to pursue it. I received e-mails
7 back with status updates from when he approached
8 Mr. Jones. I have an e-mail where he said, good
9 news, he's responsive. He's willing to take some
10 training. And I did actually raise an issue with
11 Mr. Bearden's affidavit, because he did not put in
12 all of the documents related to his investigation
13 when he presented those. He did conduct interviews,
14 and he was successful in getting Mr. Jones to take
15 training.

16 Q. Let's talk about that affidavit. You're
17 talking about an affidavit signed in September 26th
18 of 2017?

19 A. I'm not -- I don't know. He sent -- he sent
20 several. I think I referenced it in my report to
21 Commission. And I also wrote the District Attorney
22 General about it, because I considered it an
23 omission of documents to present a false image of
24 the County's response to this complaint. We went
25 above and beyond. It did not meet the policy

1 guidelines. But we went above and beyond and
2 encouraged training anyway.

3 Q. Yeah, you told him to go get some training,
4 and Mr. Bearden set it up and he didn't show up. Do
5 you remember that?

6 A. Well, there was an issue of funding was my
7 recollection. Mr. Bearden was friends with an
8 attorney from Ogletree Deakins, and that did have a
9 cost. And apparently Mr. Jones did not want to pay
10 for that. And so, I believe, Mr. Bearden noted that
11 you have the full complaint that that was a
12 successful outcome.

13 Q. Do you disagree with this section of his
14 affidavit that said after he approached Mr. Jones
15 about some of his behavior, and Mr. Jones said he
16 doesn't have to answer to anybody. Where he stated
17 that he went directly to the Mayor's office to
18 report his statement of attitude. "That was early
19 in my employment. I mistakenly thought the Mayor
20 was the seat of the County and would not stand for
21 such behavior."

22 Did he go to you and tell you the things
23 that Mr. Bearden said that he could do whatever he
24 wanted in his office, there's no boss?

25 A. I do not recall that. I do recall the

1 discussion even on this particular issue where -- I
2 mean, you have to understand context. If you
3 looked, for instance, at the words, it sounds like
4 there's no care or compassion, but there is. And in
5 this particular case, I was explaining that the
6 Mayor -- and a lot of folks, I am the facilitator.
7 So, people whether they are coming in with a legal
8 question and they've been arrested, and they want
9 something on civil forfeiture, I'll print them out.
10 You know, I might print the law for them and direct
11 them to the proper fee official or government
12 official.

13 But in this particular case, Russell is
14 still new in May of 2015, and he came from a career
15 in the private sector. And County government is a
16 very different animal. There are numerous elected
17 officials that are constitutional offices that each
18 have their own authorities.

19 And so, where the average citizen might
20 believe that you could walk and talk to the Mayor,
21 whether you're either an employee or a citizen, you
22 think that the Mayor has the authority to do
23 something about it, but I don't. I don't possess
24 that authority.

25 And so, that's what I explained to Russell

1 about being the CEO. I'm the face of the County.

2 I represent the County on boards and committees.

3 And then I execute the will of Commission when they
4 direct me to do things, but I don't have the

5 authority of a CEO that you would normally think of
6 like at Coca-Cola or something like that. We're --

7 Q. Are you saying -- I'm sorry to interrupt you.
8 Are you saying that you don't have any authority
9 over Mr. Jones and his office?

10 A. I do not. If you read the Tennessee
11 Constitution. And CTAS is a great guide for that,
12 County Technical Advisory Service.

13 Q. We just heard from Ms. Whitaker's deposition,
14 and she said Russell Bearden was a very honest man.
15 You heard that testimony, correct? She worked in
16 the department with him.

17 A. Yes.

18 Q. If she testified that the County Commission
19 voted that every department should follow the sexual
20 harassment guidelines, that your office opted out,
21 Jones' office opted out, and y'all just ran your
22 departments however you really wanted to
23 disregarding the policies. Would you say he's
24 mistaken about that?

25 A. The only way to opt out of a policy is to

1 create your own policy. And if you research the
2 law, you will find that.

3 Q. I want to know what's done in Anderson
4 County.

5 A. In Anderson County --

6 Q. There may be a statute --

7 MR. KNIGHT: Let her finish her answer.

8 THE WITNESS: Sure. In Anderson County,
9 there's a motion -- a full Commission. It's
10 actually in that one document that you put on the
11 screen that I submitted to County Commission where
12 I'm making sure that the HR Department followed in a
13 timely manner the policies and procedures regarding
14 sexual harassment.

15 BY MR. STANLEY:

16 Q. I was talking about the other department,
17 your department, and the Clerk's Office, did they
18 opt out of following the sexual harassment policies?

19 A. No, sir. County Commission -- the law is if
20 you are going to opt out and create your own
21 policies, and there are some departments in Anderson
22 County that do that. For instance, the Highway
23 Department has a different way of tabulating
24 vacation pay. All of the other departments are
25 limited by the number of hours that they can carry

1 over. The Highway Department has their own policy.
2 That policy has to be submitted to commission and
3 put on file in the County Clerk's Office where there
4 is a record where an employee could go and look at
5 that policy. The policy of the Mayor's office and
6 my departments is the policy adopted by the
7 authorizing body, and that's your governing body.
8 County Commission.

9 Q. So if Mr. Bearden testifies in the morning,
10 and he's going to be our first witness, that
11 Mr. Jones drew a big red "X" on the policies and
12 threw it at him, and says, I don't have to follow
13 these, I guess, because we opted out, he would be
14 mistaken?

15 A. It would be a show of disapproval by
16 Mr. Jones. But unless he actually went to the next
17 step of creating his own policy and putting it on
18 file with the County Clerk's Office, it's nothing
19 more than a show of disagreement.

20 Q. You act like you have no power over William
21 Jones during this time. I want to show you a
22 letter. I think it's from you to Russell Bearden.
23 It says, "I just got off the phone with a spouse of
24 a County employee who has some questions."

25 Was that spouse Gail Harness' spouse?

1 A. Yes, sir.

2 Q. Did he describe to you the concern he had
3 about William Jones?

4 A. He called me and I had a record of the
5 message that he gave me and Tupper, who's my
6 administrative assistant. I immediately called him
7 back. Well, I say immediately. It must have been
8 within 15 or so minutes, or 30 minutes, and he
9 expressed to me concern that his wife had taken
10 training and classes, and that Mr. Jones was hiring
11 people that had less qualifications than his wife.
12 And so, again, this goes back to the same issue as,
13 we're not a -- we're not one entity. So, for
14 instance --

15 Q. Let me stop you.

16 THE COURT: Let's take our afternoon
17 break now. It's about five minutes after 3. Let's
18 come back at 3:20. 3:20.

19 (Short break.)

20 (WHEREUPON, the following matters were
21 heard in open court outside the presence of the
22 jury, as follows:)

23 THE COURT: I understand the parties
24 wanted to offer proof and wanted to take it up after
25 the break?

1 MR. COLLINS: Yes, Your Honor. If the
2 Court please, I would just read the testimony that
3 would have come in through Whitaker, the deposition
4 of Whitaker. And this is Page 71, Line 14: "So,
5 his position that it was" -- this is with regards to
6 the shotgun; that objection.

7 "So, his position was that it was a
8 piece of evidence?

9 ANSWER: That would by my understanding.

10 QUESTION: But it was under a couch,
11 right?

12 ANSWER: That is correct.

13 QUESTION: That doesn't sound like a
14 good place to store evidence.

15 ANSWER: That would be correct, as well.

16 QUESTION: And, furthermore, the person
17 who was complaining about this is fearful?

18 ANSWER: Correct."

19 Page 72, Line 13:

20 "QUESTION: You still don't know to this
21 day whether it was a piece of evidence or it was a
22 gun he brought from home?

23 ANSWER: I believe it was reported that
24 it was a piece of evidence, but I don't believe that
25 that's that.

1 QUESTION: But again, the important part
2 that I care about here is that it was under a couch,
3 right?

4 ANSWER: Correct.

5 QUESTION: It wasn't in an evidence
6 locker?

7 ANSWER: Correct.

8 QUESTION: And the person who is telling
9 you about this is fearful of it?

10 ANSWER: Correct.

11 QUESTION: Okay. And I'll just mark as
12 collective exhibit, your letters to Judge Elledge.

13 ANSWER: Okay.

14 QUESTION: And we don't really need to
15 go into them, but in one, you're reporting, and in
16 the other you're thanking him. And I take it he
17 took swift action to deal with it.

18 ANSWER: Yes."

19 And that's it. Madam Court Reporter,
20 you are very good, because I was reading very fast.

21 THE COURT: When this evidence was
22 touched upon, initially, the Court sustained an
23 objection to it. The Court did so for two reasons.

24 The first reason is that the irrelevance
25 of Mr. Jones' possession of the shotgun is at best,

1 marginal. This is a case about sexual harassment
2 and a retaliation. And Mr. Jones' possession of a
3 shotgun really does not bear on that issue at all.

4 The second reason the Court ruled to
5 exclude the evidence was under Rule 403, and that's
6 because of the prejudicial effect of this evidence
7 outweighs any irrelevance that the exhibit might
8 have as the Court indicated was marginal at best.

9 A juror could conclude that the shotgun
10 was stolen; that it had been taken from the evidence
11 storage area, or evidence locker. So now we're
12 injecting into the case some thoughts that Mr. Jones
13 was a thief and was stealing things from the County.

14 There's been no evidence at all
15 presented that Mr. Jones ever posed a physical
16 threat to anyone. There have been some vague hints
17 that perhaps he was making inappropriate telephone
18 calls, perhaps he was following someone around. But
19 there's been no evidence at all that he's posed a
20 physical threat to any person.

21 So, as I said, the relevance is very,
22 very weak. And the idea that the shotgun would have
23 enhanced his ability to threaten someone, or someone
24 had a legitimate reason to be afraid of him because
25 of the shotgun, just invites the jury to make

1 decisions on inappropriate grounds.

2 So, the Court ruled that this evidence
3 was inadmissible and the Court stands by that
4 ruling.

5 Are we ready for the jury?

6 MR. COLLINS: We are, Your Honor.

7 MS. BURCHETTE: Yes, Your Honor.

8 (WHEREUPON, the jury re-entered the
9 courtroom, with matters being heard in open court,
10 as follows:)

11 THE COURT: Please be seated. The
12 witness is still under cross-examination. And I
13 believe that the questions concern the witness'
14 authority over other components of Anderson County
15 government.

16 BY MR. STANLEY:

17 Q. Ms. Frank, this letter here, the only reason
18 I'm bringing it out, you say -- I believe you're
19 saying you have no control over Mr. Jones and his
20 department?

21 A. Well, in this particular case, her husband
22 called and asked --

23 Q. I know. I'm just --

24 A. -- about the hiring.

25 Q. I don't think you're answering my question.

1 Is that true, you don't have any control
2 over Mr. Jones?

3 A. No, sir.

4 Q. If Russell Bearden testifies that after this
5 call, that you instructed Jones to actually hire
6 her, make her full-time, would that be mistaken?

7 A. That would be mistaken.

8 Q. Okay. All right.

9 MR. STANLEY: I'll move this into
10 evidence as exhibit -- oh, my. I'll have to find
11 out in a minute.

12 THE COURT: What's the number?

13 MR. COLLINS: I believe it's 17.

14 MR. STANLEY: 17, Your Honor.

15 THE COURT: Without objection, exhibit
16 17 is admitted.

17 MR. KNIGHT: No objection.

18 (WHEREUPON, a document was marked as
19 Exhibit Number 17.)

20 BY MR. STANLEY:

21 Q. Ms. Frank, finally, there was a censure of
22 William Jones, correct?

23 A. Yes, sir.

24 Q. Of course, the first complaint, which
25 disappeared was in 2014, that was from Nicole Lucas.

1 We did have a complaint from Angela Brown in 2015.
2 You got a call from Ms. Harness' husband in 2016.
3 And then she filed a complaint actually in 2017.
4 2018, is that the year he was running for
5 reelection?

6 A. Yes, sir.

7 Q. Okay. So, four years, no censure. This is
8 the first censure of Mr. Jones, correct?

9 A. Yes, sir.

10 Q. Okay. Let's go through this censure a little
11 bit, and I'm going to ask you some questions.

12 It states in there, "Whereas Anderson County
13 Human Resources Department has received multiple
14 reports regarding the workplace conduct of William
15 T. Jones, Circuit Court Clerk, demonstrating a
16 pattern of conduct that is outside the bounds of
17 reasonable, ethical, moral decency for anybody
18 supervising or working alongside County employees."

19 And is that your signature?

20 A. Yes, sir.

21 Q. So, you agree that there was a pattern of
22 conduct?

23 A. This is a --

24 Q. I'm sorry. Do you agree there was a pattern
25 of conduct based upon the investigation?

1 A. Based on the investigation that took place in
2 September of 2017, yes.

3 Q. Okay.

4 A. It appeared to be that way. However, I know
5 that the investigation was not completed as
6 Mr. Jones was never interviewed.

7 Q. Right. He didn't even show up for this
8 censure to defend himself, did he?

9 A. Correct.

10 Q. It goes on to say, "Whereas these reports of
11 instances of unwelcomed sexual advances,
12 solicitation of sex, lewd and vulgar text messages
13 of a sexual nature, unwanted touching in a
14 provocative manner, unprofessional remarks to
15 employees, including but not limited to degrading
16 nicknames and recommendations of employees to dress
17 inappropriately, threatening behavior, retaliatory
18 discharge and punishment for these employees that
19 refuse to participate."

20 Was that also the findings of the
21 investigation?

22 A. Well, the first sentence notes that these
23 reports allege. So, that's what this censure is
24 about. There's language in here that if these
25 things did happen, then, yes, we are censuring him.

1 Q. The next paragraph I do want to point out
2 says, "These reports are supported by five sworn
3 statements taken under oath, two additional sworn
4 affidavits, and a handwritten statement by the
5 husband of one of the female employees." Right.
6 "If true, these allegations may constitute an
7 unlawful employment practice."

8 Do you not believe that these ladies are
9 telling the truth in these statements that they
10 gave?

11 A. I do not know.

12 Q. Do you have any reason to believe that they
13 are falsifying these statements or lying?

14 A. I'm not alleging that at all. I do know that
15 that particular sentence about the husband, the
16 husband never mentioned anything about any sexual
17 impropriety. What he noted to me was that she
18 needed a full-time job. She had been an intern.
19 She was part-time. And he felt like she was more
20 qualified. I offered to help him, which I did. I
21 suggested that he have his wife bring a resume. And
22 I suggested that perhaps he did not know about her
23 qualifications. And then --

24 Q. Did --

25 A. -- as an assurance, I asked that she bring --

1 Q. I know --

2 A. -- that letter to my office as well.

3 Q. Ms. Frank, I know we can talk about the
4 husband. But we've seen the statements from the
5 women.

6 A. Yes.

7 Q. Okay. They're vulgar. They're horrible.

8 A. Absolutely.

9 Q. It's talking about oral sex and all kinds of
10 things he wants to do to them.

11 Have you seen the text messages that he's
12 saying he wants to shoot things in their mouth and
13 things of that nature?

14 I mean, you don't think anybody fabricated
15 these text messages and said they were Mr. Jones'
16 do you?

17 A. I do not. But I also do not know the extent,
18 because I did not see any investigation of if it was
19 in fact consensual. I'm aware that as part of that
20 investigation, she did share texts of her chest.
21 And I did talk to someone about, you know, sexual
22 harassment, what does -- as I have a duty to the
23 taxpayers in Anderson County, what does it actually
24 mean? And if -- to me, I'm not in the position to
25 be the final say of, was it consensual or not. I

1 didn't have access --

2 Q. So, you think --

3 A. -- to all of that information with regard to
4 Ms. Harness?

5 Q. You think perhaps that they wanted it from
6 Mr. Jones?

7 A. I'm not saying that at all. I'm talking --

8 Q. You're saying --

9 A. -- specifically about the text with
10 Ms. Harness that --

11 Q. Where she --

12 THE COURT: Counsel, counsel, counsel.

13 MR. STANLEY: I'm sorry, Your Honor.

14 THE COURT: You see this court reporter
15 here? She's trying to do her best to take down what
16 is said in this room. And I think she's done a very
17 good job. But it is humanly impossible and it's
18 impossible for her to take down what the witness is
19 saying and take down what you're saying if you're
20 both talking at the same time.

21 You put the witness on the stand and
22 you're asking her questions. Let her finish her
23 answer.

24 BY MR. STANLEY:

25 Q. Are you referring to the text where she said

1 she had a sick child and she needed this job to make
2 it?

3 And then the next one, he says, "Send me a
4 picture of your chest."

5 Is that what you're referring to?

6 A. I don't know. If you could put it up there,
7 I can take a look at it.

8 Q. Well, you realize he has the power to fire
9 these women, right?

10 A. Yes, sir. I recognize that, yes.

11 Q. If he says, "hey, send me a -- oh, you've got
12 a sick child; send me a picture of your breast." He
13 could fire them the next day, couldn't he, if they
14 didn't do it?

15 A. Yes. Conceivably, yes. It would be wrong.

16 Q. Oh, I just thought you said that if someone
17 concedes to it, it's not sexual harassment. I must
18 have misunderstood you.

19 A. Well, I'm saying I don't know if
20 Ms. Harness -- I don't know if there's a full record
21 of the Snapchats. My understanding is the way they
22 work is they disappear, so ...

23 Q. So the only evidence you have is negative
24 towards Mr. Jones. You don't have anything negative
25 towards Ms. Harness or anyone else?

1 A. I don't understand what you're saying.

2 Q. You're saying there's no evidence preserved.

3 There's stuff out there that we don't know about.

4 But what we do have, we saw what he was doing to

5 these females, correct?

6 A. Yes. I saw their statements.

7 Q. Okay. And, in fact, this last statement --

8 this one was really bad.

9 MR. STANLEY: I would like to move this

10 into evidence.

11 MR. KNIGHT: 26.

12 MR. STANLEY: What is it?

13 MR. KNIGHT: 26.

14 MR. COLLINS: It's Exhibit 26.

15 MR. STANLEY: Exhibit 26.

16 (WHEREUPON, a document was marked as

17 Exhibit Number 26.)

18 BY MR. STANLEY:

19 Q. So you know about Angela Brown moving

20 forward. And, of course, Gail Harness. And then

21 all of a sudden you had Kaylee Winstead. She

22 testified. She's got a statement that's into

23 evidence. You've got Tracy Spitzer. She testified.

24 She has something -- a statement in evidence. You

25 have a Valerie Walker. And then you have

1 "anonymous", and this has been moved into evidence.

2 And that's September the 7th of 2017.

3 Two or three months after this, you signed a
4 petition to have Mr. Jones reelected?

5 A. When did I sign the petition?

6 MR. KNIGHT: Objection as to
7 mischaracterization of a document. Plus, relevance.

8 THE COURT: There's not a question on
9 the floor. The witness' response to the question
10 as, when did I sign a petition. So that's the
11 response to the question.

12 MR. COLLINS: Stan, that is Exhibit 59.

13 MR. STANLEY: I'm missing it.

14 MR. COLLINS: And her signature. I
15 think she's on the fifth page.

16 MR. STANLEY: Can you print it up for
17 me?

18 BY MR. STANLEY:

19 Q. Well, while we're waiting, you have your own
20 candidate nominating petition, did you not?

21 A. Pardon?

22 Q. You have your own candidate nominating
23 petition, correct?

24 A. Yes, sir.

25 Q. And that would be the one from 2018, correct?

1 Or, I'm sorry, 2017.

2 A. Is that when -- is this my petition or
3 Mr. Jones' petition? My petition?

4 Q. Yes. And he was one of the signatories to
5 have you reelected, correct?

6 A. Yes, sir.

7 Q. And you're saying you don't remember signing
8 a petition to have him reelected even after all of
9 these statements were made?

10 A. Well, that's my petition running for office,
11 which you've shown that to me. And I was asking
12 when I signed his.

13 MR. STANLEY: Can you switch it to
14 the --

15 BY MR. STANLEY:

16 Q. This is William Jones. It looks like it's
17 November 20th, 2017.

18 MR. STANLEY: If you could go down.

19 BY MR. STANLEY:

20 Q. Teresa Frank?

21 A. Yes, sir.

22 Q. Is that you?

23 A. Yes, sir.

24 Q. So, are you aware that you actually donated
25 money to his campaign, as well, after all of these

1 statements came out?

2 A. Well, when did I donate to his campaign?

3 Q. It looks like January the 30th of 2018. Does
4 that sound familiar?

5 A. Okay. And that is important, because I did
6 not know about the investigation. I knew about
7 Angela Brown. I was a participant in that
8 investigation in May where the HR Director did
9 report to me. I did encourage him to get training.
10 But these dates, when I had all of the information
11 on all of these investigations and statements, was
12 not until the presentation to County Commission, to
13 the best of my recollection. I even wrote the
14 Comptroller's Office and questioned many aspects of
15 that.

16 Q. What made you question many aspects of that,
17 the fact that they kept the investigation from you?

18 A. The timeline. I was -- I questioned the
19 timeline of the investigation with regard to was it
20 in compliance with the Anderson County policy -- for
21 whatever policy you wanted to look at it, whether it
22 was the amended policy for, I believe -- you would
23 have to pull that up. I'm just going from
24 recollection. It was 15 days or 10 days. But the
25 prior policy was that it would be swiftly and

1 thoroughly investigated. And it was September,
2 until, I believe, February when it was presented.

3 So, I was unaware of everything but Angela Brown
4 until that time as far as an official complaint.

5 Q. Didn't Mr. Bearden, Russell Bearden, come to
6 you with this newest complaint of Gail Harness and
7 you specifically said not to tell anybody, not to go
8 to legal, or to his superior?

9 A. That is not accurate.

10 Q. And he went around you and did it anyway,
11 didn't he?

12 A. He alleged that about the Angela Brown one,
13 which was a closed investigation. I did not know
14 about the Gail Harness complaint.

15 MR. STANLEY: Can you switch it back --

16 BY MR. STANLEY:

17 Q. Are you still part of the Anderson County,
18 I'm assuming, Executive Committee or part of the
19 party, I'm assuming, correct?

20 A. Yes, sir.

21 Q. And is Mr. William Jones, as well?

22 A. Yes, sir.

23 Q. And this is you, correct?

24 A. Yes, sir.

25 Q. And this is Mr. Jones?

1 A. Yes, sir.

2 Q. Is his wife a member of the party in any
3 role? Is she chairman?

4 A. She ran for chairman, but she did lose. But
5 she is a member of the State Executive Committee,
6 which is a multi-county office.

7 Q. This was taken, I think, in April of this
8 year. Are you familiar with that?

9 A. Yes.

10 Q. Where were you at?

11 A. That is at a Republican party reorganization
12 meeting.

13 Q. You're not related to Mr. Jones, are you?

14 A. No, sir.

15 Q. Were you friends with him?

16 A. I have been friends with him.

17 Q. Okay.

18 A. I'm friends with -- I try to be friends with
19 everyone in the County Courthouse that I have to
20 work with.

21 Q. Even the ones that he abused?

22 A. What does that mean?

23 Q. Well, just based upon your censure, assuming
24 that to be true, you're friendly with him, too?

25 A. Well, I did sign my name to his censure,

1 because if he did those things, he deserves to be
2 censured.

3 MR. STANLEY: Your Honor, let me move
4 57. That was the election commission of Ms. Frank
5 into evidence if there's no objection. Exhibit 59,
6 which is the election commission of Mr. Jones, if
7 there's no objection. And then Exhibit 60, which is
8 the photograph.

9 THE COURT: Without objection --

10 MR. KNIGHT: No objection.

11 THE COURT: -- Exhibits 58, 59 and 60
12 are admitted.

13 MR. STANLEY: I'm sorry, Your Honor, and
14 58, as well.

15 THE COURT: I said 58. 58, 59 and 60.

16 (WHEREUPON, documents were marked as
17 Exhibit Numbers 57, 58, 59 and 60.)

18 MR. KNIGHT: Your Honor, I'm going to
19 confine my examination to what Mr. Stanley talked to
20 Ms. Frank about.

21
22 CROSS-EXAMINATION

23 QUESTIONS BY MR. KNIGHT:

24 Q. The first thing I wanted to ask you, Mayor
25 Frank, is Exhibit 20, which has been moved into

1 evidence, and specifically, Attachment 7, you kept
2 telling Mr. Stanley that there were -- was another
3 sheet other than the one he showed you, and you
4 couldn't read them.

5 MR. KNIGHT: May I approach and give her
6 the 3-page attachment?

7 THE COURT: Please give it to our Deputy
8 Clerk.

9 MR. KNIGHT: Okay.

10 (Handing documents to clerk.)

11 BY MR. KNIGHT:

12 Q. Have you had a chance to read it?

13 A. Oh, I'm sorry.

14 (Reviews document.)

15 Yes.

16 Q. In that attachment, were you trying to find
17 out from Russell Bearden if there was a TBI
18 investigation of William Jones?

19 A. Yes, sir.

20 Q. And that was part of Exhibit 20 that you were
21 asked about, the front page.

22 Did he ever give you any answer?

23 A. No, sir.

24 Q. He also talked -- did he not also say that he
25 had attempted to get the information from Jay

1 Yeager?

2 A. Yes. Well, what I think he said -- yes,
3 because he references Jay for getting me into the
4 mess.

5 Q. Okay. And he calls Jay a name for getting
6 him into the mess?

7 A. Yes.

8 Q. But as we sit here today, are you aware of
9 any investigation, criminal investigation of
10 Mr. Jones?

11 A. I am not.

12 Q. Okay. But you tried to find out through --

13 A. I did.

14 Q. -- your HR Director?

15 A. Yes, sir.

16 Q. On Exhibit 8, which I'll just put up here for
17 your e-mail to Mr. Bearden, I think the person who
18 called you was Rodney Harness, correct?

19 A. Yes, sir.

20 Q. Did you know Rodney Harness?

21 A. I did not.

22 Q. Did you know Gail Harness?

23 A. No.

24 Q. Did you know anything about the Harness' or
25 anything about Snapchats or anything about that?

1 A. No, sir.

2 Q. Did you know anything about any sexual
3 harassment going on with Ms. Harness and Mr. Jones?

4 A. No, sir.

5 Q. Why was Mr. Harness calling you?

6 A. He indicated that he had called some kind of
7 labor agency. I don't recall which one. I do
8 specifically remember that he said the Governor's
9 Office. He had called the Governor's Office, and
10 the Governor's Office told him to call me.

11 Q. Okay. So you didn't dodge his call?

12 A. No, sir.

13 Q. Were you in the office when he called?

14 A. Oh, I don't recall that. I just know that I
15 received a message from my assistant, and I did
16 return his phone call.

17 Q. So you weren't hiding from him, you wanted to
18 know what he had to say?

19 A. Yes, sir.

20 Q. And he was complaining about her being
21 part-time and she should be full-time as a clerk
22 working for Mr. Jones; is that correct?

23 A. Yes.

24 Q. You were asked about Snapchats, and you said
25 you didn't know -- and I'm in weird territory, too,

1 due to my age and my proficiency in Snapchatting.

2 But my understanding is they disappear by the person
3 who Snapchats?

4 A. That's my understanding as well. I don't
5 have that app.

6 Q. And -- neither do I.

7 And they -- but you can save Snapchats, but
8 the person that you're Snapchatting gets
9 notification of that?

10 A. I'm not familiar.

11 Q. You can save them.

12 A. Okay.

13 Q. And what you were presented was what Gail
14 Harness had saved concerning what William Jones had
15 Snapchatted her; is that correct?

16 A. Correct.

17 Q. You do not have anything that Ms. Harness may
18 have Snapchatted to Mr. Jones, other than what she
19 saved, correct?

20 A. That's correct.

21 Q. Is that all you were saying?

22 A. That was all I was saying. I'm just saying
23 that I can't attest to any full conversation that
24 took place between the two. All I can comment on is
25 what I saw and was presented as part of that

1 investigation.

2 Q. Can you -- if you know, great. How many
3 departments does the County have?

4 A. We have approximately 500 employees outside
5 of the school system.

6 Q. School system --

7 A. I'm sorry. It would be easier -- I don't
8 want to take up the Court's time, but it would be
9 easier if I write it down or say that we have Animal
10 Control, Fleet Services, the Sheriff's Department,
11 EMS. When you say "Departments" --

12 Q. Road department?

13 A. Yes. So, there are departments that are
14 under the Office of the Mayor, but then there are
15 all these separate fee officials where they're
16 elected constitutional officers.

17 Q. Was William Jones elected?

18 A. Is he?

19 Q. Yes. Was he?

20 A. Yes, sir.

21 Q. Is the Clerk's Office a fee office?

22 A. Yes, sir.

23 Q. And my understanding is your budget is
24 determined if you're a fee office by the fees you
25 take in?

1 A. Yes.

2 Q. And Mr. Jones was defeated in the primary by
3 Rex Lynch?

4 MR. STANLEY: Objection, leading.

5 THE WITNESS: Yes.

6 BY MR. KNIGHT:

7 Q. You were asked about petitions to -- your
8 petition to run, Jones' petition to run for
9 reelection.

10 Can you explain how these petitions work in
11 terms of who signs them and how many signatures you
12 have to have to get on about -- my understanding is
13 all a petition does is get you on a ballot?

14 A. It does. And there's been a long-standing
15 controversy where some individuals believe that
16 signing a petition indicates support. So, my office
17 is directly across from the election commission
18 office where you go and file for your candidacy.

19 And so, normally, when a candidate fills out
20 a petition, their first stop is to come into my
21 office. And my assistant signs usually, and I
22 sign, if I'm there. And it is not necessarily an
23 indication of support. Sometimes it is, sometimes
24 it's not. I've signed numerous individual's
25 petitions. You know, it gives someone the right to

1 be on the ballot and be rejected or accepted. So,
2 I've always been willing to sign everyone's
3 petition who has asked me.

4 Q. Democrat or Republican?

5 A. Yes, sir.

6 Q. And you are a Republican; is that correct?

7 A. Yes.

8 Q. But you have signed -- well, in the
9 Commission -- how many Commission members are there?

10 A. There are 16 County Commissioners.

11 Q. Do they have to have petitions to run also?

12 A. They do.

13 Q. And do you, if asked, would you sign anyone's
14 petition?

15 A. Yes, sir.

16 Q. You were also asked about Jones' wife, Amy,
17 as being Chairman of the Republican -- is it the
18 Convention Commission in Anderson County?

19 A. She serves as a State Executive Committee
20 member.

21 Q. Right.

22 A. That's a state position. So she puts her
23 name on the ballot to run in multiple counties, and
24 that was -- that's her position.

25 Q. Okay. My question was, did she run -- you

1 mentioned when Mr. Stanley was asking you questions
2 that she ran and she lost. What was that?

3 A. She ran for County Chairman just recently.

4 Q. Okay.

5 A. So the picture he showed, she ran for
6 chairman. She actually did come to me and asked if
7 I would support her.

8 Q. Right. And what did you tell her?

9 A. I told her I would not support her.

10 Q. Did you support someone else?

11 A. I supported Myra Mansfield. He was the
12 chairman in that picture.

13 Q. Okay. And is that why she's in the picture?

14 A. Yes, sir.

15 Q. Is that why he's in the picture?

16 A. He was elected vice-treasurer by the body.

17 Q. I assume as the Mayor of Anderson County, you
18 take lots of pictures?

19 A. I do.

20 Q. And that picture seemed to me, having tried
21 cases in Anderson County, that it was in one of the
22 courtrooms?

23 A. Yes, sir. The reorganization was held in
24 Judge Elledge's courtroom. I actually facilitated
25 that with Judge Elledge.

1 Q. Okay. And I'll just ask you this. Does the
2 fact that they wanted this exhibit of a picture
3 admitted, events any type of support that you have
4 for William Jones?

5 A. No, sir.

6 Q. And it was your testimony that you did not
7 get any of the sworn statements collected by
8 Ms. Whitaker or Mr. Bearden, or, I think, Mr. Yeager
9 took Ms. Harness' statement until right around
10 February of 2018 when this resolution that
11 Mr. Stanley asked you about?

12 A. Yes, that's my recollection. I actually
13 reached out to Jay Yeager, the law director, and
14 asked for a copy, and he did make that available to
15 me.

16 Q. And you signed it?

17 A. The resolution?

18 Q. Yes.

19 A. Yes, sir.

20 Q. In February -- at the meeting, I believe,
21 February 20th, 2018?

22 A. Yes, sir.

23 Q. And so, all this stuff that happened in 2017,
24 did you have any idea that he had sexually harassed
25 anyone?

1 A. No, sir. Other than the complaint of Angela
2 Brown, and that was a closed matter.

3 Q. And in that resolution, is that the County --
4 this looks like it was at a Commission meeting --

5 A. Yes, sir.

6 Q. -- full of Commissioners. Everyone is there.
7 It's a public meeting; is that correct?

8 A. Yes, sir.

9 Q. And you were there?

10 A. Yes, sir.

11 Q. And it was the Commission basically
12 pronouncing that any sort of behavior is not to be
13 tolerated, and if it happened, you're censured?

14 A. Absolutely. We wanted to make a strong
15 statement that Anderson County did not tolerate
16 sexual harassment.

17 Q. Okay.

18 MR. KNIGHT: One second, Your Honor,
19 please.

20 (An off-the-record discussion was
21 held.)

22 MR. KNIGHT: That's it for my
23 examination, Your Honor.

24 THE COURT: Redirect.

25 MR. STANLEY: No, Your Honor.

1 THE COURT: If there's no redirect
2 testimony, that means your testimony during the
3 Plaintiff's case is concluded. You may return to
4 your seat.

5 (Witness excused.)

6 THE COURT: Call your next witness.

7 MS. BAILEY: Plaintiff calls Amy Ogle.

8 (WHEREUPON, the witness was sworn in by
9 the Court Clerk.)

10 * * *

11 **AMY CARR (OGLE),**
12 was called as a witness, and after having been duly
13 sworn, testified as follows:

14
15 DIRECT EXAMINATION

16 QUESTIONS BY MS. BAILEY:

17 Q. Please introduce yourself to the jury and let
18 them know where you work.

19 A. I work at PSI Probation in Clinton.

20 Q. Is that for the Anderson County Clerk's
21 Office?

22 A. No, ma'am, it isn't.

23 Q. Did you ever work for the Anderson County
24 Clerk's Office?

25 A. Yes, I did.

1 Q. When did you work for them?

2 A. I started in 2016.

3 Q. How long did you work for them?

4 A. I left in December of 2019.

5 Q. Why did you leave?

6 A. I had a better job opportunity.

7 Q. Now, at some point did you leave and come
8 back to the Clerk's Office?

9 A. I actually was -- I was placed on FMLA due to
10 vertigo. I was having a lot of medical problems.
11 And so, I was placed on FMLA. And then, I went back
12 to work. I went back and I was told to go to the
13 Sheriff's Department to work. I was still with
14 Anderson County, but I went to the Sheriff's
15 Department to work up there because of what was
16 going on.

17 Q. So you were not trying to get back to being a
18 subordinate of Mr. Jones'?

19 A. No, I was not.

20 Q. Did you ever give a statement to the Anderson
21 County about your experiences?

22 A. I did. Kim Jeffers come to me and ask me if,
23 you know, if there was anything going on. And I
24 told her no, because I was embarrassed and ashamed.
25 And then after I thought about it, I thought, well,

1 maybe I should have said something. But a couple of
2 days went by and I was approached by my husband,
3 which is now, had gotten a phone call from William
4 Jones asking us to meet him at Arby's in Clinton so
5 that I could write a statement saying that there was
6 no sexual harassment being done.

7 And so, we met him. And whenever we met
8 him, he asked me, you know, if I would do it. And
9 I was in fear of my job. And I was like, yes, I
10 will. But before we left the parking lot, I told
11 him -- I told my husband -- I broke down and
12 started crying. I said, "I can't do this, because
13 I can't allow my girls to ever have to go through
14 this."

15 Q. And when you were talking about sexual
16 harassment, were you talking about sexual harassment
17 of yourself?

18 A. Yes.

19 Q. Tell me what happened with that.

20 A. William -- every morning before I'd get up, I
21 was actually getting my daughter on the school bus
22 to get to work. He would either send me a message,
23 "Good morning beautiful," or, "Good morning sexy."

24 Then I would get to work. I was, you know,
25 in fear of my job, because at the time I was fixing

1 to go through a divorce, and I needed my job at the
2 time.

3 And I never would respond back to him. And
4 then things just started to occur more and more. I
5 worked in juvenile court. He would come over -- he
6 put me -- actually, he made a desk in the very back
7 for me away from the other four girls. And then,
8 like, at some point during the day he would come
9 over, and he would pull a chair right beside of me.
10 And he would be right on top of me and then he
11 would start rubbing my thigh with his hand.

12 Q. And I see you're adjusting your mask. If
13 you're more comfortable to take it off, you can do
14 that.

15 A. Okay. Yeah, it keeps getting in my mouth.
16 Thank you.

17 Q. Was it common knowledge or did others in the
18 office know that you were having marital issues at
19 the time?

20 A. The others knew.

21 Q. Did Mr. Jones know?

22 A. His chief deputy -- actually, her husband and
23 my husband at the time, worked together. So, I'm
24 sure that William had gotten word that, you know, I
25 was having problems. We was getting ready to get

1 divorced and stuff. And I had also picked up their
2 insurance. So, that kind of -- because my husband
3 was fully covered and I was fully covered.

4 Q. Who was his chief deputy?

5 A. Angela Metcalf.

6 Q. Did you and Mr. Jones ever go to lunch
7 together?

8 A. Yes.

9 Q. Tell me about that, please.

10 A. He would come to me around mid-morning and
11 ask me if I'd go to lunch with him. And I would be
12 like, well -- and, honestly, I would sometimes have
13 plans. And I was like, well, this is my boss. If I
14 don't go, I may get fired. So I would go with him.
15 He'd like we'll run to General Sessions in Oak
16 Ridge. So, we'd go down there. And then, he would
17 either take me to Calhoun's or Chick-fil-A or
18 something like that.

19 Q. Was there a time when you stopped going to
20 lunch with him?

21 A. There was because his chief deputy, actually,
22 I was coming across the road from juvenile, and his
23 chief deputy stopped me in the parking lot and told
24 me to get into her vehicle. It was cold outside and
25 she told me to get into her vehicle where it was

1 warm. And she approached me, and she said, I'm just
2 going to let you know, you don't have to go to lunch
3 with William when he asks you to go. She said, you
4 can make up and say --

5 MR. KNIGHT: Objection. Hearsay.
6 Ms. Metcalf is not a hiring official.

7 THE COURT: Ms. Bailey.

8 MS. BAILEY: She is a chief deputy, Your
9 Honor. She's an agent of the County.

10 MR. COLLINS: It's also an apparent
11 statement.

12 MS. BAILEY: And it's also a statement
13 of interest.

14 THE COURT: Overruled.

15 BY MS. BAILEY:

16 Q. Continue, please.

17 A. So I got into the vehicle. And she said,
18 "You don't have to continue going to lunch with
19 William. Just tell him that you've got other plans
20 that you have to do on your lunch break."

21 Q. When you told him no, how did he react?

22 A. So the first time after that I told him, "No,
23 that I had plans," and he got mad at me. He made my
24 job hard for three days. He wouldn't speak to me.
25 Every time he would see me, he would roll his eyes

1 at me and just give me the cold shoulder.

2 Q. And going back to the text, did you always
3 respond or did you ever respond to him?

4 A. I did at the beginning. And then it got to
5 where I was like, no, this is getting a little too
6 far fetched. So I would just leave my phone turned
7 over just like I didn't see it.

8 Q. How did he respond to that silence?

9 A. He would actually come back into the office
10 and ask me if I had checked my phone. And I'm like,
11 no, I'm working. And he would just be like, "Well,
12 I've asked you something on your phone. You need to
13 look at it." And then I would not respond back.

14 Q. Did he ever make any remarks about your
15 shyness?

16 A. Yes.

17 Q. What did he say?

18 A. He was constantly telling me that he was
19 going to get me out of my shyness. Because he would
20 ask me for pictures. He actually -- what happened
21 was, he asked me to go to his tanning salon to tan.
22 And I told him I didn't need to go to his tanning
23 salon because I had my own. And then that led into
24 him asking me for photos of me in my tanning bed.

25 Q. Did he send you photos of him?

1 A. He sent me photos of him in his tanning bed.

2 Q. Was he dressed or --

3 A. No, he was nude. But he had just a little
4 enough on him to keep him from being seen on his
5 privates.

6 Q. So, going -- I'm sorry I'm jumping around.
7 But going back to the statement about your shyness,
8 what did you take that to mean?

9 A. I took it as if he was going to try to get me
10 out of my shyness to try to do something with him.

11 Q. Something like what?

12 A. Or sending pictures or something to him.

13 Q. Did he send you pictures any other time?

14 A. Yes. He was all the time sending me pictures
15 in suits like if he was out at conferences, places,
16 things like that. He was all the time sending me
17 pictures, photos of his personal life, you know, of
18 what he was doing.

19 Q. Did he ever ask you to accompany him to a
20 conference?

21 A. He did. He went on a 3-day conference in
22 Gatlinburg. He said that Amy Jones, which is his
23 wife, wasn't going to be able to attend, because she
24 had to keep the grandbaby, and he wanted me to come
25 and stay with him that weekend. And I proceeded to

1 tell him I had two daughters of my own. I didn't
2 leave 'em, and I wasn't going to leave 'em, and I
3 was married at the time.

4 Q. Let's discuss a little bit more about his
5 interactions with you.

6 Did he ever discuss sex with you?

7 A. He never discussed sex with me. He
8 would -- he was always discussing about how he liked
9 his thing sucked; how he liked it either swallowed
10 and all that. And then he would ask me, which way
11 did I do it; which way would I prefer.

12 Q. Did he ask to see other pictures of you naked
13 or body parts or anything?

14 A. So, I went on vacation, which is now my
15 husband now. We had went on a little vacation. I
16 can't remember if it was Memorial Day or 4th of July
17 weekend. We got an extended, you know, holiday.
18 So, we left on the weekend. And I had asked for
19 Tuesday off. That would give us time to travel back
20 so we wouldn't be in all the traffic. And he sent
21 me a Snap- around -- it was on a Monday. He sent it
22 around 5:00 or 6:00.

23 He said, "If you don't send me a picture of
24 your breast, you need to be back to work Tuesday
25 morning or else you won't have a job."

1 Q. Was that normally how he operated?

2 A. Yes.

3 Q. At some point did you get a raise?

4 A. I did. He kept -- he kept giving me raises.
5 And then he got to the point where he said, I'm
6 going to get you out of your shyness before you got
7 your next raise. And I never got another raise.

8 Q. What did you take that to mean?

9 A. I took it as if I didn't do something sexual
10 with him, that I wasn't going to get a raise.

11 Q. So this was his pattern to ask you for
12 something sexual. And if you say no, deny you a
13 raise or day off or give you some kind of
14 punishment?

15 A. Yes.

16 Q. That's the way he ran this office?

17 A. Yes.

18 MR. KNIGHT: Objection to leading.

19 THE COURT: Sustained.

20 BY MS. BAILEY:

21 Q. You said that you engaged in this activity
22 only because you feared for your job?

23 A. Yes.

24 Q. What was that atmosphere like as far as
25 people having any kind of job security in that

1 office?

2 A. I really didn't feel like we had any job
3 security.

4 MR. KNIGHT: She can answer for herself,
5 Your Honor, but to what other people feel or not
6 feel, how would she know that?

7 MS. BAILEY: She can testify to what the
8 general feeling is around there. People may have
9 spoken to her. She may have observed things that --

10 THE COURT: All that may be true, but
11 she hasn't testified to any of that. Mr. Knight is
12 correct that she can testify to her own
13 observations, her own perceptions. And if she has
14 talked to other people, and she's in a position to
15 offer an opinion as to what other people think, then
16 she might be able to do that. But she hasn't
17 testified to any of that.

18 BY MS. BAILEY:

19 Q. Did you see other things -- any interactions
20 with him and other clerks in the office?

21 A. Yes, I did. I mean, to an extent, but not --
22 I didn't really, I guess, pay enough attention,
23 other than I was focused on what he was doing to me.

24 Q. Did you see if any other clerks were on
25 standby thinking they may get fired?

1 Was there something that showed that?

2 A. Yes, there was a --

3 MR. KNIGHT: Objection, leading.

4 THE COURT: Sustained.

5 BY MS. BAILEY:

6 Q. Was there anything -- what, if anything, did
7 the clerks do that made you think people were afraid
8 for their job security?

9 A. Like, I had one manager, she would -- like,
10 would -- she would really, like, do anything and
11 everything that he would ask her to do. And he
12 would always take her to the back room. I don't
13 know -- I mean, I can't say because I didn't see.
14 But he would take her to the back room, and I don't
15 know what would happen. But then everything would
16 be okay once they come back out.

17 Q. Okay. I think I've asked you, or if I
18 didn't, I'm asking you now.

19 You did give a statement?

20 A. I did.

21 MS. BAILEY: May I have Exhibit 36,
22 please.

23 BY MS. BAILEY:

24 Q. Is this a copy of your statement as you
25 remember it?

1 A. Yes, it is.

2 MS. BAILEY: I'd like to move Exhibit
3 Number 36 into evidence.

4 (WHEREUPON, a document was marked as
5 Exhibit Number 36.)

6 THE COURT: Without objection, it's
7 received.

8 BY MS. BAILEY:

9 Q. I just want to talk about a couple of things
10 in your statement. There's a portion where you talk
11 about him asking you to crawl under his desk.

12 A. It was actually -- it was a desk that he
13 had -- he had moved me out of General Sessions into
14 a single office where I was away from everyone. It
15 was my desk that I was actually setting up. And he
16 told me to crawl under to the desk so I could hook
17 the modem up and the wires and stuff to the base.
18 And I crawled under there, and he was actually
19 standing in the office. But by the time I got
20 everything hooked up, he had sat down into the
21 office chair and had scooted himself close to the
22 desk. And I was underneath there, and when I
23 started to crawl out, I turned around and I seen him
24 there. And he said, the top of your head looks
25 really good, he said, but it would look even better

1 if you was sucking. And he pointed and said it to
2 me. It scared me so bad. I started crying 'cause I
3 was afraid he was going to shut the door behind me.
4 And I went running out to the girls out in General
5 Sessions. And the manager about three or four
6 minutes later, she pulled me back to the lunchroom
7 and asked me if I was okay. And I told her, "Yes."
8 But I was afraid to say anything, because I was
9 afraid if I did, then he would fire me.

10 Q. How tall is William Jones, if you know?

11 A. Probably around 5'10", 5'11".

12 Q. How tall are you?

13 A. 5'3".

14 Q. About how much does he weigh?

15 A. He probably weighed around 235. 230, 235,
16 240 something.

17 Q. Would you say he's an imposing figure?

18 A. Yes.

19 Q. Now, later that same day, did he ask you to
20 meet him?

21 A. He did. That same day he went to his office.
22 It was about two or three hours later. He come back
23 to my office and he asked me to meet him at the
24 Git'N Go on South Clinton. It scared me to death.
25 I told him, "No."

1 I said, "My mom and dad is bringing my girls
2 to me and meeting me here in the parking lot.
3 We've got plans this evening."

4 So, once William leaves my office and goes
5 into the actual General Sessions part, I get on the
6 phone and I call my mom and I'm frantic. I'm
7 telling her to get down there immediately to bring
8 the girls to me, because I was afraid William would
9 be outside watching me to see if I really was
10 getting my daughter -- getting my two girls.

11 Q. So you used your mom and your little girls as
12 a diversion sort of?

13 A. To -- yeah.

14 Q. Was there another scenario where he asked you
15 to meet him outside?

16 A. He did. It was probably two or three months
17 later he had asked me to meet him at Git'N Go in
18 South Clinton once again on my lunch.

19 Q. Did you go?

20 A. No, I did not.

21 Q. Did he ever ask you -- we've heard a lot
22 about what he likes in wardrobe. Did he ever talk
23 to you about yours?

24 A. He did. He called me to his office once. I
25 had a blue shirt on. It was long and it had come

1 down almost to my knees with cream colored leggings
2 and brown boots. And he called my office and told
3 me that I needed to get to his office.

4 So, I went to his office. And when I got
5 there, he told me to shut the door behind me, which
6 I did. I sat down. And he said, "You need to
7 stand up."

8 He said, "Somebody's complained on your
9 outfit."

10 He said, "It's not appropriate for you to be
11 wearing it here."

12 And I stand up, and he says, "I need you to
13 turn around and pull your shirt up."

14 So, me being afraid, I did what he asked. I
15 turned around and pulled my shirt up. And he told
16 me, he said, "I think it looks very nice."

17 Q. When you were hired, did you ever receive an
18 employee handbook?

19 A. I do not recall ever receiving one.

20 Q. Do you recall ever being told how to report
21 sexual harassment?

22 A. I was never told.

23 Q. Did you ever see any signs telling you how to
24 report sexual harassment?

25 A. No, I did not.

1 Q. Was William Jones the person that established
2 the policies, procedures, customs, work things,
3 anything that had to do with the Clerk's Office?

4 A. Yes.

5 Q. Was he the final say?

6 A. Yes, he was.

7 Q. Why did it take you so long to file a
8 complaint?

9 A. I was a single mother at this point. I was
10 in fear of losing my job, and I knew I had to make a
11 living for my daughters. And not only that, I was
12 embarrassed.

13 Q. Why were you embarrassed?

14 A. I just felt disgusted.

15 MS. BAILEY: May I have a moment, Your
16 Honor?

17 THE COURT: You may.

18 MS. BAILEY: Pass the witness.

19 THE COURT: Cross-examination.
20

21 CROSS-EXAMINATION

22 QUESTIONS BY MR. KNIGHT:

23 Q. So, I just have a few questions. First of
24 all, these group of lawyers representing you in a
25 lawsuit against Mr. Jones and the County --

1 MS. BAILEY: Objection, relevance, Your
2 Honor.

3 MR. KNIGHT: It is relevant.

4 THE COURT: Mr. Knight, there's an
5 objection. Let's take up the objection. What's the
6 basis for the objection?

7 MS. BAILEY: Relevance.

8 THE COURT: Mr. Knight.

9 MR. KNIGHT: If Gail Harness is
10 successful in any way --

11 THE COURT: I think your answer is, it
12 shows bias; is that right?

13 MR. KNIGHT: Yes, bias.

14 THE COURT: The objection is overruled.
15 Proceed.

16 BY MR. KNIGHT:

17 Q. Isn't that true, Ms. Ogle?

18 A. I'm sorry?

19 Q. That you are represented by these lawyers in
20 a lawsuit against Mr. Jones and the County?

21 A. Yes, I am.

22 Q. I'm sorry. I keep calling you Ms. Ogle.
23 You've been married. It's Carr now, right?

24 A. Carr, yes, sir.

25 Q. Sorry.

1 The first time you filed the lawsuit, it was
2 voluntarily dismissed, do you --

3 MS. BAILEY: Object to relevance, Your
4 Honor.

5 THE COURT: Mr. Knight.

6 MR. KNIGHT: The relevance is that
7 after -- if I get some leeway, I think I can show
8 the relevance.

9 THE COURT: I've allowed you to explore
10 this because of the possibility of bias. The fact
11 that the lawsuit was voluntarily dismissed, does
12 that also go to bias?

13 MR. KNIGHT: I think it does, Your
14 Honor.

15 MS. BAILEY: I don't know how, Your
16 Honor.

17 THE COURT: Well, let's find out.

18 So, Mr. Knight, proceed.

19 BY MR. KNIGHT:

20 Q. Your lawyer entered this exhibit, which is a
21 statement by you March 23rd, 2018; is that correct?

22 A. Uh-huh (affirmative). Yes.

23 Q. Now, you went back to work in the Clerk's
24 Office in late June of 2018, didn't you?

25 A. I did.

1 Q. And Mr. Jones was still there, correct?

2 A. He had actually -- Rex Lynch had taken the
3 office -- had won the election.

4 Q. He had won the primary election, but was not
5 taking office until September the 1st?

6 A. Right.

7 Q. And you know that because even though you
8 made statements of sexual harassment and had filed
9 lawsuits just like Gail Harness, you ended up
10 getting a job with Rex Lynch, didn't you?

11 A. I did.

12 Q. And when Rex came in, he was confronted with
13 the budget, and he asked people to take pay cuts,
14 correct?

15 A. Yes.

16 Q. And you did, didn't you?

17 A. Yes.

18 Q. And he hired you?

19 A. Yes.

20 Q. And you ended up resigning?

21 A. I did.

22 Q. Was the fact that your first complaint was
23 voluntarily dismissed against Jones and Anderson
24 County, because you had gone back to work in the
25 same environment that you complained of in this

1 statement?

2 A. No, it was not. I was tired of the
3 harassment from William Jones. And I wanted
4 everything to just stop is the reason why. I
5 thought maybe if I dropped the lawsuit, maybe
6 William Jones will leave me alone.

7 Q. Well, you've brought it again --

8 A. I did.

9 Q. -- against Mr. Jones and Anderson County,
10 correct?

11 A. I did.

12 Q. And you're suing for money; is that correct?

13 A. I am.

14 Q. You recall writing a letter of resignation to
15 Rex Lynch and Angie Perez?

16 A. I did.

17 Q. And in that letter of resignation, I'll show
18 it to you.

19 MS. BAILEY: Objection, Your Honor. I
20 have not seen this document.

21 MR. KNIGHT: There you go.

22 MS. BAILEY: (Reviews document.)

23 BY MR. KNIGHT:

24 Q. Do you recall what you wrote?

25 You were taking a job with

1 Attorney Lauren Biloski's office; is that correct?

2 A. Yes, sir.

3 Q. And in this letter you make no mention
4 whatsoever about Mr. Jones or sexual harassment or
5 anything, do you?

6 A. No, because I had already taken that up with
7 HR.

8 Q. Okay. You had given your statement. In
9 2018, you went back to work for Mr. Jones who had
10 been defeated in the primary, but was still in
11 office. You got hired by Rex Lynch, and then you
12 went to take a better paying job, correct?

13 A. Yes.

14 Q. Did you ever say to any of your lawyers that
15 it's kind of hard to pursue a sexual --

16 MS. BAILEY: Objection. Attorney/client
17 privilege.

18 MR. KNIGHT: Okay.

19 THE COURT: Let's let him finish the
20 question first, okay.

21 BY MR. KNIGHT:

22 Q. Did you know that one of your lawyers told me
23 that you dismissed your case, because it's kind of
24 hard to prove sexual harassment when you go back to
25 work for the alleged harasser?

1 MS. BAILEY: Objection, Your Honor.

2 THE COURT: What's the objection?

3 MS. BAILEY: It's hearsay.

4 MR. COLLINS: It's hearsay, for one.

5 THE COURT: Hold it. Hold it.

6 MS. BAILEY: Hearsay.

7 THE COURT: Ladies and Gentleman, I
8 talked to the lawyers ahead of time to make sure
9 things go smoothly once we get into court, and we
10 don't have interactions like we're having now. One
11 of the things we told the lawyers was that only one
12 lawyer will examine a witness and respond to
13 objections, so we don't have two lawyers, three
14 lawyers doubling up.

15 So, Ms. Bailey examined the witness, and
16 Ms. Bailey has to respond to all objections and
17 instructions from the Court, no other lawyers. When
18 other lawyers do it, they just prolong things. So
19 Ms. Bailey is the person in charge. Ms. Bailey is
20 the one who decides what the objections are and what
21 the responses are to the objections.

22 Now, Ms. Bailey, there is an objection.
23 What's the basis of the objection?

24 MS. BAILEY: Your Honor, hearsay.

25 THE COURT: The objection is hearsay.

1 The witness is being asked to repeat a question that
2 one of the lawyers said to Mr. Knight.

3 Mr. Knight, why is that not hearsay?

4 MR. KNIGHT: Because it goes to why
5 she -- they were asking the relevance of why she
6 dismissed her first lawsuit.

7 THE COURT: So you're not offering it
8 for the truth of the matter asserted?

9 MR. KNIGHT: No.

10 THE COURT: You're offering it for some
11 other reason?

12 MR. KNIGHT: Right.

13 THE COURT: Why would this witness know
14 anything at all about that statement? This was a
15 conversation between the lawyer and you.

16 Was she present when the conversation
17 took place?

18 MR. KNIGHT: No, I've never met her.

19 THE COURT: So why would she even know
20 about this conversation?

21 MR. KNIGHT: Because I thought it was
22 quite interesting that she would just dismiss her
23 case.

24 MS. BAILEY: Your Honor, I --

25 THE COURT: So you really don't have any

1 basis to know if the statement was made or not made?

2 MR. KNIGHT: No, I do not know if she
3 knows or not.

4 THE COURT: I'm going to sustain the
5 objection unless she can demonstrate that she has
6 some way of knowing whether the statement was made
7 or not.

8 BY MR. KNIGHT:

9 Q. Ms. Ogle, you have filed two complaints in
10 federal court against Mr. Jones and Anderson County.
11 You've complained about sexual harassment. But when
12 it came time for Rex Lynch to decide which clerks he
13 wanted working for him, do you have any idea why
14 Ms. Harness was not retained by Rex Lynch?

15 THE WITNESS: No, I do not.

16 MS. BAILEY: Objection. Speculation.

17 THE COURT: The witness answered the
18 question, she does not.

19 BY MR. KNIGHT:

20 Q. But you were?

21 A. I were what?

22 Q. You were --

23 A. I was hired.

24 Q. Yes.

25 A. Yes.

1 Q. By Mr. Lynch; is that correct?

2 A. Yes. But I was also told that when Rex
3 actually got in and started interviewing us all,
4 that there wasn't going to be a position left for me
5 if I didn't get back to my position in juvenile
6 court.

7 Q. Okay. But you did that?

8 A. I did.

9 Q. And everything up until you got a better
10 paying job went smoothly, didn't it?

11 A. It did.

12 MR. KNIGHT: That's all the questions I
13 have, Your Honor.

14 THE COURT: Thank you. Redirect.

15 MS. BAILEY: Yes, Your Honor, very
16 briefly.

17

18 REDIRECT EXAMINATION

19 QUESTIONS BY MS. BAILEY:

20 Q. When you gave that statement, had you filed a
21 lawsuit?

22 A. No, I had not.

23 Q. And as a matter of fact, were you not the one
24 approached to give the statement?

25 You didn't go to them to voluntarily give

1 them a statement, did you?

2 A. No.

3 Q. And there's been much said about you going
4 back to the Clerk's Office. Would you had gone back
5 if Jones had won and you had to work under him?

6 A. No, I would not.

7 MS. BAILEY: Nothing further, Your
8 Honor.

9 THE COURT: Thank you. You may step
10 down.

11 (Witness excused.)

12 THE COURT: You may call your next
13 witness.

14 MR. KNIGHT: Your Honor, Plaintiff calls
15 Kim Jeffers-Whitaker.

16 (WHEREUPON, the witness was sworn in by
17 the Court Clerk.)

18 * * *

19 **KIMBERLY JEFFREY WHITAKER,**
20 was called as a witness, and after having been duly
21 sworn, testified as follows:

22
23 DIRECT EXAMINATION
24 QUESTIONS BY MR. COLLINS:

25 Q. Please introduce yourself to the jury.

1 A. My name is Kimberly Dawn Jeffers-Whitaker.

2 Q. Where do you work currently?

3 A. Anderson County Government.

4 Q. And what is your job title?

5 A. I am the Director of Human Resources and Risk
6 Management.

7 Q. And I understand before you became the
8 director, you were the Deputy Director of Human
9 Resources; is that right?

10 A. That is correct.

11 Q. And the Human Resources Department, I take
12 it, operates with all -- operates on behalf of all
13 the County Departments; is that right?

14 A. We work in collaboration with the
15 departments.

16 Q. But when it comes to like the Clerk's Office,
17 for example, the Clerk himself controls the terms
18 and conditions of the employment of those County
19 employees working in the Clerk's Office?

20 A. Correct.

21 Q. You interviewed multiple women with sexual
22 harassment complaints against Williams Jones; is
23 that right?

24 A. Yes.

25 Q. In fact, we just heard from Amy Ogle. You

1 interviewed Amy Ogle, did you not?

2 A. Yes, I received her statement.

3 Q. Did you find these women to be sincere and
4 believable?

5 A. Can you explain "women".

6 Q. The complainants. I'm sorry.

7 A. Are we speaking specifically about Ms. Ogle?

8 Q. I'm asking you whether or not you think these
9 complainants were telling the truth about what they
10 said Mr. Jones did?

11 A. Yes, I felt like they were telling the truth.

12 Q. And you've read the resolution censuring
13 Mr. Jones --

14 A. Yes.

15 Q. The County Commission's resolution?

16 A. Yes.

17 Q. In your opinion, did these women suffer --
18 were they subjected to a hostile work environment
19 under William Jones?

20 MS. BURCHETTE: Objection. You're
21 asking her to speculate.

22 MR. COLLINS: Rule 704.

23 THE COURT: I think that calls for a
24 legal conclusion. Sexual harassment has a definite
25 meaning in the law. I don't think that has meaning

1 at all for lay people. I think she's a layperson.
2 So her understanding of what sexual harassment means
3 may not be the same to what the Court is going to
4 instruct the jury on.

5 MR. COLLINS: Thank you, Your Honor.
6 Pass the witness.

7
8 CROSS-EXAMINATION
9 QUESTIONS BY MS. BURCHETTE:

10 Q. Good afternoon, Ms. Whitaker.

11 A. Good afternoon.

12 Q. Now, when did you first start working for
13 Anderson County?

14 A. It was in May of 2015.

15 Q. And when were you promoted to Director of
16 Human Resources?

17 A. It was either -- it would have been the end
18 of December of '17, I believe.

19 Q. So, is it fair to say that you were promoted
20 in the middle of the investigation into the Clerk's
21 Office?

22 A. Yes.

23 Q. And when did you first learn of anything
24 happening -- any alleged wrong doing by Mr. Jones?

25 A. It was when Ms. Harness first filed the

1 complaint.

2 Q. And that was in September of 2017; is that
3 correct?

4 A. The complaint was filed in August, and the
5 sworn statement was in September of '17.

6 Q. And that was the first time you and HR, Human
7 Resources, had any knowledge of any of these alleged
8 wrongdoings by Mr. Jones?

9 A. That was the first time that I had personal
10 knowledge, correct.

11 Q. And then it was the Human Resources
12 Department that found the other victims, correct?

13 A. Correct.

14 Q. They didn't all just come forward. You
15 sought them out?

16 A. Correct.

17 Q. And all of those other victims gave
18 statements after Ms. Harness in 2017?

19 A. Correct.

20 Q. And did you have any involvement with the
21 Angela Brown complaint?

22 A. No, ma'am.

23 Q. 'Cause that happened a little bit before you
24 started; is that correct?

25 A. I believe so.

1 Q. And so, you as Director of Human Resources,
2 have no knowledge of any misdoings by Mr. Jones
3 until Ms. Harness made her complaint in August of
4 2017?

5 A. Correct. I just wasn't the director at the
6 time.

7 Q. Yes. Give me one second.

8 MS. BURCHETTE: Your Honor, we will end
9 with this witness as long as we reserve the right to
10 call her in our proof.

11 THE COURT: I'm sorry?

12 MS. BURCHETTE: We will end with this
13 witness today as long as we can recall her in our
14 proof. She is listed on our witness list.

15 THE COURT: Very well. That's the end
16 of your cross-examination, then?

17 MS. BURCHETTE: Yes, Your Honor.

18 THE COURT: Is there any redirect of
19 this witness?

20 MR. COLLINS: No, Your Honor.

21 THE COURT: Thank you, Ms. Whitaker.
22 You're free for today. You may step down.

23 (Witness excused.)

24 THE COURT: It's about 10 minutes until
25 the hour, Ladies and Gentlemen, so I think that we

1 will end for the day. We will resume tomorrow
2 morning at 9:00. Let me ask the Plaintiffs how much
3 more time you think you need for your case in chief?

4 MR. STANLEY: I think we'll definitely
5 get through tomorrow and maybe just a little after
6 lunch.

7 THE COURT: Okay. And will the Defense
8 be ready to start tomorrow?

9 MS. BURCHETTE: We can be, Your Honor.

10 THE COURT: Well -- and I would suggest
11 that you be ready to start about 10:00. And Knight,
12 be ready to start at 1:00. You've heard me say
13 this. I do not like lag time in cases. So have
14 your witnesses ready, so as soon as the Plaintiffs
15 finish, you can go ahead and start your case.

16 MS. BURCHETTE: Yes, Your Honor.

17 THE COURT: Is there anything else that
18 the parties need to take up with the Court?

19 MR. STANLEY: No, Your Honor, not from
20 the Plaintiffs.

21 MR. KNIGHT: No, Your Honor.

22 THE COURT: So, that's it, Ladies and
23 Gentlemen. We will have you back tomorrow. And
24 from what you've heard the lawyers say, this case
25 may not take the five days. I told you that this

1 morning. So, be safe, get a lot of rest, and we'll
2 see you tomorrow morning at 9:00.

3 (WHEREUPON, the foregoing proceedings
4 were adjourned for the day at 4:49 p.m., to be
5 resumed June 22, 2021, at 9:00 a.m.)
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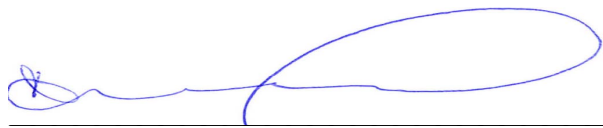
REPORTER'S CERTIFICATE

STATE OF TENNESSEE

COUNTY OF ANDERSON

I, April Lassiter-Benson, Licensed Court Reporter, with offices in Memphis, Tennessee, hereby certify that I reported the foregoing Jury Trial of **GAIL HARNESS VS. ANDERSON COUNTY, TENNESSEE** by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me. I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

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